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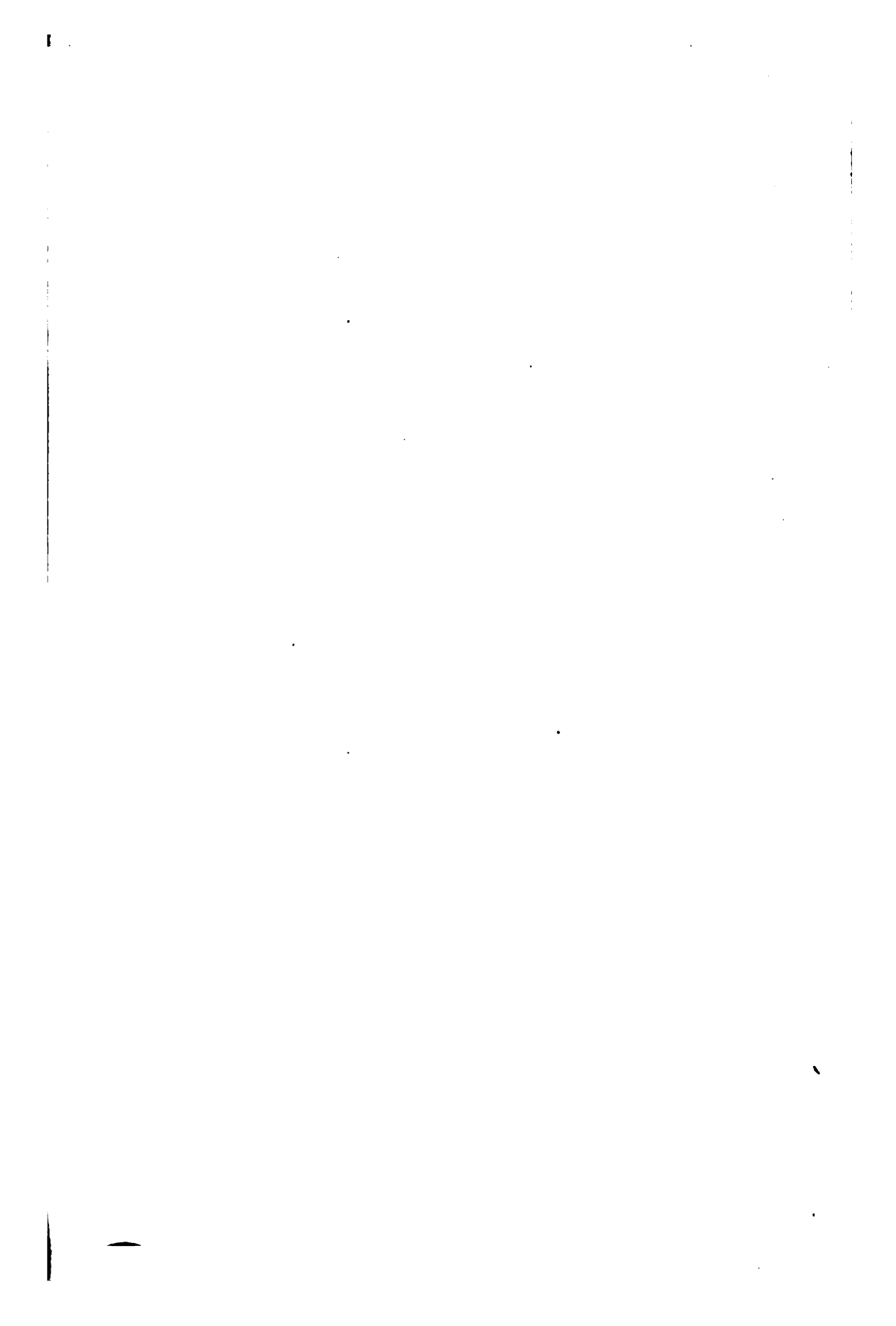
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RECORDS AND FILES  
OF THE  
QUARTERLY COURTS  
OF  
ESSEX COUNTY  
MASSACHUSETTS

STANDARD BOOK COMPANY

VOLUME II  
1656-1662

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SEVENTEENTH CENTURY COURT PRACTICE IN  
MASSACHUSETTS.

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An attempt is herewith made to give some idea of court practice in the earliest days of our settlement, so far as documents have been preserved.

The grand jury and trial jury were fashioned like the modern system. The venire for the drawing of jurors was much simpler in form than the one that is now used, and was as follows:—

To the constable of Rowly

you are required to send foure able men of your Towne to serve upon the Jury for tryalls at the next court held at Ipswich the next third day & soe make returne of this your warrent under your hand dated the 22th (7) 1653.

ROBERT LORD *cleric.*

The return was endorsed on the venire as follows:—

These 4 men were Chosen by the towne for to serve on the Jury of tryalls namely Thomas dickinson Thomas Leauer John Smith and John Palmer

p me JOHN PICKARD

*Constable*

[*Essex County Court Files, Vol. II, leaf 87.*]

Writs were written on small fragments of paper in the early days, many of them being not more than five by one and one half inches. The form was always a *capias*, and it meant just what it said, "attach the body or goods" of the defendant. The following is a copy of one of these writs with the return thereon, where a bond was given to secure the judgment that might be recovered in the action.

To the marshall or his deputy.

Yo<sup>n</sup> are required to Attach the body or goods of W<sup>m</sup> Addis of Gloster & to take bond of him to the vallue of ffoure pounds Ten shilling w<sup>th</sup> sufficient suertie or suerties for his appearance at the

next Court att Salem, then & there to answer to the Complaint of Phillip Vdall for a debt of 3<sup>l</sup> 13<sup>s</sup> & so mak returne hereof und<sup>r</sup> yo<sup>r</sup> hand. Dated the 2 day of 9<sup>th</sup> m<sup>o</sup> 1642

By the Court

RAPH FFOGG

I assigne Georg Norton my deputy to execut or serue this Attachm<sup>t</sup> according to Lawe

The following is the bond :—

Knowe all men by thes p<sup>r</sup>sents y<sup>t</sup> wee William Addes & william Barnes of gloster doe bynd our selues our heirs & executo<sup>r</sup>s to the marshall of Salem & his deputy in fflower pounds ten Shillings upon Condition that the said William Addis shall psonally appeare at the next Court at Salem to answer to the Complaint of Phillip Vdall for a debt of 3<sup>l</sup> 13<sup>s</sup> In witnes wherof we haue hereunto put o<sup>r</sup> hand & seale geoven the 26<sup>th</sup> Day of the 9<sup>th</sup> m<sup>o</sup> 1642

Signed & delivered in the

WILL ADIES

p<sup>r</sup>sence of

WILLIAM BARNES

GEORGE NORTON

MARY NORTON

JOSEPH PARKER

The return is as follows :—

Attached his pson y<sup>e</sup> 18<sup>th</sup> day of 9<sup>th</sup> m<sup>o</sup> 1642 & he put in security as p bond

GEORGE NORTON

[*Essex County Court Files, Vol. I, leaf 13.*]

The following is a writ having a return of attachment of property :—

To the Constable of Gloucester or to his depputie

You are required to attach the bodie or goods of John Sadler and to take bond of him to the vallue of Thertie ffive powndes w<sup>th</sup> suffiscent suretie or sureties for his appearance at the Court held at Salem upon the last Third daie of the 10<sup>th</sup> moneth then and there to answeare unto the complaint of m<sup>r</sup> Hugh Ap Prichard for detaining a debt of Thertie pownde due unto him to his great damage. herof you are not to faile. dated the 3<sup>th</sup> of the 4<sup>th</sup> mo. 1644.

By the Court

OBADIAH BROEN

The following is the return :—

According to this warant I haue atached the Third daye of this 4 month of John Sadlerse to cowes *to cowes* one caleve 4 swyne



the house and land together with all the goods in the house for his appearance.

[*Essex County Court Files, Vol. I, leaf 19.*]

The following is a writ similar to that used in the modern trustee process:—

To the M<sup>r</sup>shall of the County of Suffolok or his deputy

You are required to atach the goods debts or estate of Richard Endell in the hand of Generall Robert Sedgwick, or where euer els they may be found to the valew of sixteen pounds, so as to bind the same to be responsall at the next Court to be held at Ipswich, then and there to answer the complaint of M<sup>r</sup> Georg Corwin in an action of debt of eight pounds odd money due upon bill, and so make a true return hereof under your hand dat. 15: 7<sup>th</sup> 1654

By the Cou<sup>t</sup>

JONATH. NEGUS.

The return is as follows:—

I haue attached the goods of Richard Endall this 15: 7: in the hands of Generall Robertt Sedgwicke: to the value of five pounds bee itt more or less

p me

RIO WAYTE.

[*Essex County Court Files, Vol. II, leaf 145.*]

The following is a copy of a declaration in a civil action. Declarations are rarely found among the files.

The declaration of Nicholas Noyes & John Pike, in the behalfe of the Towne of Newbery plaintiff Against Jo: Davis defendant.

Whereas The Constable of the s<sup>d</sup> Newbery distrained Certaine Corne in the handes of John Davis for severall rates due to the s<sup>d</sup> Towne from m<sup>r</sup> Clarks farne, then In the Possession of Jo: Davis The s<sup>d</sup> Jo: Davis replevyed the s<sup>d</sup> Corne distrained & bindes himselfe in a bande of ten pounde to prosecute the s<sup>d</sup> replevye at Sallem Court Last the w<sup>th</sup> (he not performinge) we sewe him for the forfeiture of the s<sup>d</sup> bande of Ten pounde.

[*Essex County Court Files, Vol. II, leaf 42.*]

The following is an answer to a declaration:—

The Answers of John Tod to the Allegations of M<sup>r</sup> Crosbee, at the Court Holden at Ipswitch the last tuesday of the seuent month one Thousand six hundred sixty and seauen.

First: for not giuinge deeds to which I answer first that the award doth not ingage me to giue deeds of Land, which the Arbitrators did award to be mine, but merrimacke land they doe award to be mine, and that I shoulde receiue it at the somme of one hundred thirty fise pounds.

Secondly: That there is no land in exchange betwene them, but that land at Satchwells bridge, and it was of that twenty nine Acers which I receiued in the Artickells, and I had exchanged it with him for other land.

Thirdly: The mane thinge wherein m<sup>r</sup> Crosbee forfeited his bond was in not giuinge me a deede of the twenty nine Acers, and thereby utterly disenabled me that I could giue him none, neither doth the award require me to giue any till I haue receiued

Fourthly: Whereas he saith he demaunded deeds before John Asee, and Nicholas brouwne, it was four months to late, neither did he present any deeds for to secure me, for I was then willinge, and am now if I may haue deed for to secure me, but quite contrary to which he gaue deeds to other men of my land, and acknowledged them a great while before that time as will appeare by the testimony of Robert Lord Marshall, and John Pickard.

Fifthly: In answer to his second plea, whereas he saith my tenders were but mere whimsees, I wish he had made any such tenders to me or any of mine, it would haue ended all our troubellis, for: first though I thought it was not my duty to tender any deeds, till I first had receiued deeds of him yet because I perceiued that he intended to be troubellisome, I prepared my selfe for my duty, and had — deeds redy in my hand, and would a gon to the dwellinge house — mistres Crosbee told me there was none at home, and that her husband was gon abroade, I then handed the deeds ouer the pails towards her, as doth appeare by the testimony of John Pickard and Philip Nellson.

In answer to this third and last plea, whereas he alledgeth they haue broken my bond in goinge to the Court of Assistants, and obtained iudgment against him, and serued execution to which I make answer, it was to my greefe that we went thither and that we put — not in the bond of Arbitration, that we should not prosecute at the Court of Assistants that iudgment was giuen for me surely was none of my fault, for my takinge out Execution and seruings, it was because that he sould as fast as I extended — knew not when I should fasten upon any thinge, and said first or last that all was soule that I had laide holde of, as app. by the testimony of John Pickard, and Robert Lord Marshall.

Lastly This I did I presented my selfe often times to him, by freinds to his father wade I sent to him, that I would yelde up all — land, and would waite for my pay yet longer, if I could be sure — by sume certaine land as doth appeare by the testimony of Robert Lord senior and John Pickard. therefore I would haue it knowne to this honored Court and Cuntry that it is not the

land that I seeke for nor the forfeiture of the bond, but that I might once at last be secure of my debt, and iust charges in the gettinge of it.

witnes my hand

JOHN TOD.

[*Essex County Court Files, Vol. VII, leaf 33.*]

Much of the evidence introduced into trials was in writing, generally it was a mere statement, written by the clerk, seldom signed by the witness, and sometimes having the jurat of the clerk or magistrate who administered the oath to the witness. The following is one of the simpler forms:—

I Robert Tucker do testifi that m<sup>r</sup> holgrauce came To my house about a quarter of a yeare a Go and sayd hee had Sould the Lott as hee Bought of Thom Keent to W<sup>m</sup> Seargent and desi<sup>d</sup>ed me to Record it Upon the Towne Book.

By me

ROBERT TUCKER

dat the 23 of March : 1653-54

[*Essex County Court Files, Vol. II, leaf 117.*]

The following is a copy of the grounds of appeal:—

The Grounds of my apeale from the Judgm of the court at Salsbery the 12th of 4th mo : 1653 in the case wherin John Samborne was plantiue agat me are as foloweth

first because the plantiue pued not his action for first he had but a single wittnes himselfe not being p<sup>r</sup>sent & that he speakes pues noe lilegall takeing away his goods for that he sayes is but that I came to his Brothers house & sayd I had an execution and red It on order & turned a beast in his Brothers yard (but did not driue it away) for he sayth I would haue driven it away but he did paye because he should not as he saith further that he doth speake is but to his best remembrance & it is well he doth not speake positivly for all is not right y<sup>t</sup> he speakes in his oath

secondly because he brought new plea & evydence y<sup>t</sup> was not before the comissioners before there was noe Evydence but william Sambornes oath & a coppye of the execution

Thirdly because the court sayd I did noe more y<sup>n</sup> I ought according to my office & yet red the Juryes verdict & gaue Judgm<sup>t</sup> agat me

By me

ROBERT LORD

the 17<sup>th</sup> 6<sup>th</sup> mo : 1653

[*Essex County Court Files, Vol. II, leaf 66.*]

The following is a copy of an execution :—

To y<sup>e</sup> Marshall of norfolke or his deputy

You are hereby required to levy execution on y<sup>e</sup> goods Chattells  
la— Natt : Boulter to y<sup>e</sup> vallew of nine pound eleven shillings &  
seven pence — for y<sup>e</sup> execution to satisfie a iudgm<sup>t</sup> giuen to Ed-  
ward Gyllman for a — at y<sup>e</sup> Court held att Salisbury the 24<sup>th</sup>  
of the 2<sup>d</sup> m<sup>o</sup> 1649 : by the court THO : BRADBURY.  
dated y<sup>e</sup> 27<sup>th</sup> of y<sup>e</sup> 2<sup>d</sup> m<sup>o</sup> 49.

[*Essex County Court Files, Vol. II, leaf 66.*]

The following is the return of a levy on an execution :—

The 8<sup>th</sup> of 9<sup>th</sup> m<sup>o</sup> 1642 Leuied in the hands of m<sup>r</sup> Tho. Ruck  
the some of fflower pounds eight shillings six pence for so much due  
by vertue of a iudgm<sup>t</sup> of Court from Thomas Oddensell, at the  
sute of John Blakleech, besids Chardge of y<sup>e</sup> s<sup>d</sup> execution. As p<sup>t</sup>  
of a greater some In his hands due to Thomas Oddensell, And  
wheras m<sup>r</sup> Ruck questioned the paym<sup>t</sup> of the bill the s<sup>d</sup> m<sup>r</sup> Jn<sup>o</sup>  
Blackleech did pfer to accept of soe much of the bill of exchang,  
w<sup>h</sup>out exception not doubling of the paym<sup>t</sup> thereof p

RAPH FROGG

The return is endorsed with the plaintiff's direction as follows :—

There is moneys in M<sup>r</sup> Rucks hands due to Thomas Oddensell<sup>s</sup>  
of a 20<sup>th</sup> bill of exchang w<sup>ch</sup> I desire yo<sup>n</sup> to Levy upo, & stay in his  
hands by vertue of yo<sup>r</sup> office to satisfy the execution due unto mee,  
y<sup>t</sup> I gaue yo<sup>n</sup> order to take out. Dated 8<sup>th</sup> of 9<sup>th</sup> m<sup>o</sup> 1642

p me

JOHN BLACKLEACH

[*Essex County Court Files, Vol. I, leaf 8.*]

The following is a bill of costs for service of an execution :—

A note of Cost and Charges to Samwell Greenfeld from exeter to  
boston and back again for

y <sup>e</sup> ordar of Court 5 dayes	00 : 10 : 00
for y <sup>e</sup> order	00 : 00 : 06
meting with disturbanc I was forst to goe to Charls towne for execution which is 5 dayes mor and 2 <sup>s</sup> y <sup>e</sup> execution	00 : 12 : 00
for saruing y <sup>e</sup> execution by y <sup>e</sup> officer	00 : 05 : 00
2 days to douar goinge for y <sup>e</sup> marshall	00 : 04 : 00
2 days with aworont	00 : 04 : 00
somens for wittnes	00 : 00 : 08
3 men to y <sup>e</sup> Court as wittneses & myselve	00 : 04 : 02
y <sup>e</sup> entring Action	00 : 10 : 00

Sume

02 : 10 : 04

besids 3 mens Charges  
and myselve from Exetar

[*Essex County Court Files, Vol. I, leaf 19.*]

Criminal proceedings were founded, generally, upon what were called "presentments," answering to the modern indictments. The following is a copy of a return made by the grand jury. Witnesses' names were stated in the margin.

Salem 27 : 4<sup>mo</sup> : 1643

The presentments of Salem and Lin humbly tendred to this honored Court

of Lin  
witness  
R<sup>o</sup> Druier Wee present Zacharey fitts for keeping great Cattell  
and swine in his owne land within a common fence

Joseph flood Wee presentt Ould Churchman for liveing 7 or 8  
Jarrate  
Spencer yeares w<sup>h</sup>out his wife and for haveing the wife of  
Hugh Burt locked w<sup>h</sup> him alone in his house.

Marblehead Wee present marey Hill for beeing overcom (as is  
w<sup>h</sup> Blanchett supposed) w<sup>h</sup> wine  
Jo. Blanchet  
B. Parmeter

Salem Wee present John ffreind for strikeing of Nathaniell  
Confessed Pitman in his owne house

Wee present m<sup>r</sup> Downing : Zacheus Curtese, Richard  
Inkersell, John Putnam, Ro. Goodall, Tho : Spooner,  
Tho. Read Daniell Rey, Richard Dauenport, frances Perrey, w<sup>m</sup>  
Borradge, each of them for putting their Cattell into the  
north Corn feild

Hen. Walton Wee present Rise Edwards and his wife for incon-  
Ma: Bourne tinency before marriage.

RICHARD DAUENPORT  
in the name and w<sup>h</sup> the  
Consent of the Rest of the  
Grand Jury.

gr summons 5 of 5 m<sup>o</sup> 1643  
to y<sup>o</sup> Constables seu<sup>a</sup>lly

[*Essex County Court Files, Vol. I, leaf 17.*]

The following is a summons to criminal defendants and witnesses to appear at court :—

To the Constable of Wennam or his deputy.

By vertue hereof yo<sup>n</sup> are to Cause these psons hereunder mentioned to appeare att the next Court held by Adiornm<sup>t</sup> the 20<sup>th</sup> day of this p<sup>r</sup>sent month viz Christopher Harson being p<sup>r</sup>sented by the grand Enquest for vehement suspition of stealing money from m<sup>r</sup> Edw : Tomson. Also Jonas Clay for being adicted to Lying & deceitfull dealing And also the witnesses to giue in testimony in the

X SEVENTEENTH CENTURY COURT PRACTICE

p<sup>r</sup>mises viz. m<sup>r</sup> Tompson & his wyfe, Rumball & his wyfe & wil-  
liam ffisk. And hereof to make a true Returne under yo<sup>r</sup> hand  
not to faile Dated the 9<sup>th</sup> day of 12 m<sup>o</sup> Ann<sup>o</sup> 1643  
p Curia RAPH FROGG

On the reverse is the return of the constable :—

According as this warrant doe express I haue  
Caused these ptyes to Appeare at this courte,  
being the 20<sup>th</sup> day of the 12<sup>th</sup> m<sup>o</sup>

WILLIAM FFISKE

[*Essex County Court Files, Vol. I, leaf 17.*]

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RECORDS AND FILES OF THE QUARTERLY COURTS  
OF ESSEX COUNTY, MASSACHUSETTS.

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COURT HELD AT IPSWICH, SEPT. 30, 1656.

Judges: Mr. Symon Brodstreet, Mr. Samuel Symonds, Maj.-Gen. Denison, Mr. William Hubart and Mr. Richard Dummer.

Jury of trials: Joseph Medcalfe, Tho. Bishop, Andr. Hodges, John Denison, John Addams, James Barker, Edw. Hassen, John Smith, Will. Ilsly, Rich. Dole, Hugh March and Fran. Pabody.

Grand jury: George Gidding, Richard Jacob, Symon Tompson, Moses Pengry, Edward Bragg, Robert Day, John Cheeny, Will. Moody, Tho. Smith, Lt. Remington, Will. Hobson, Will. Law, Jo. Stevens and Will. Evans.

Civil cases:—

Walter Roper v. Stephen Kent, attorney of William Wakefield. Review.

Samuell Graves v. John Fullar and wife Elizabeth. Slander done his wife in her name.

James Adams v. Samuel Bennett. For taking away a cart and pair of wheels. Withdrawn.

James Adams v. Nicolos Pinion. Debt.

Daniell Clarke v. Allan Perley. For non-performance of work by his son. Withdrawn.

Daniell Clarke v. Mr. William Bartholmew. For not supporting a division fence.

Daniell Clarke v. Mr. William Bartholmew. For a heifer promised to his wife.

John Averill v. Mr. Daniell Epps. For not returning a cow which the latter had to winter.

Robert Tucker v. James Walker. For getting away Jonathan Brigg, etc. Withdrawn.

John Hathorne, assignee and attorney of Nicholas Pinion v. Henry Lenourd. Debt. Withdrawn.

John Vinton, being attached, and writ not entered, was allowed costs.

John Hathorne v. Nicolas Pinion.

William Evans v. Evan Morice. Slander.

William Evans and wife Agnes v. Evan Morice. Slander.

Richard Kimball, in behalf of his son Caleb v. Thomas Parsons. Slander.

Richard Shatswell v. Richard Kimball, sr., and Richard Kimball, jr. Debt.

Richard Shatswell v. Henry Kimball. For striking his maid.

Thomas Rowell, in behalf of his daughter Abigail Ossgood v. Frances Leach. Slander. Saying his daughter was with child. Withdrawn.

Elias Parkman, being attached by John Williams, acknowledged judgment.

Corp. John Andrews licensed to keep an ordinary at the White Horse and to draw wine.

John Trumble allowed clerk of the writs for Rowley.

Tho. Dorman fined for not warning the freeman to meet to nominate magistrates.

Silvester Evely fined for neglect of carrying the votes of the freemen of Gloster to the shire town.

Freemen of Wennam fined for not sending their votes for nomination of magistrates to their shire town.

County tax to be levied.

Mr. John Cogswell acknowledged judgment to William Wyld before Mr. Samuall Symonds and Maj.-Gen. Denison, June 20, 1656.

Witnesses in the case of William Bingly and Elizabeth Preston to be paid by the former.

Hackaliah Bridges, accused by Sarah French of his getting her with child, and bound over, being brought by Sergent French, was discharged.

Allen Perley was released from ordinary training, paying ten shillings yearly for the use of the company.

Robert Long and Rich. Browne, both of Newbury, released from ordinary training, paying eight shillings each year for the use of the company.

Stephen Webster released from training for one year.

Richard Loell fined for offering violence to the body of Jane Boulton, tending to uncleanness.\*

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\*Richard Lowle of Newbury, presented, 30 : 7 : 1656. Wit: Jane Boulton.

Caleb Johnson of Andover died intestate. Administration on his estate was granted to Henry Ingalls. Amount of the inventory of the estate, 20li. 8s.

John Fargason ordered to be whipped for uncleanness, breaking prison and lying.

Sarah French to be whipped fifteen stripes.\*

Henry Kimball was licensed to keep an ordinary and draw wine and strong water at Wennam.

Nathaniell Stow, attached by Rich. Shatswell, and the writ not entered, was allowed costs.

John Cogswell and Phillip Fowlar consent to an assignment by said John of his servant, Thomas Fowlar, to his uncle Phillip Fowlar.

Ordered that Mr. Willson take care to set up a fence at the house of correction, and he was impowered to warn men to the work.

\*John Fargison and Sarah French, both of Ipswich, presented 30 : 7 : 1656, for uncleanness together.

[Presentments, dated 30 : 7 : 1656, and signed by George Giddinge,† in the name of the rest :—

John Fargison, for purloining his master's goods, such as malt, wool and stockings. Wit: John Andros, sr., Samuel Ingalls and Ester Dicks.

John Fargison, for several lies about borrowing a horse. Wit: John Andros, sr., and Edward Bridges.

Humphrey Griffin, for profaning the Sabbath in unloading barley before sundown. Wit: Thomas Foulter and Anne Sawyer.

Edward Bridges of Andover, for lying, in saying he had got one hundred rails for Shawshin bridge. Wit: Hon. Mr. Broadstreet, William Ballard and Robert Barnard. Also for saying that he had a letter from his father to his master. Wit: Henry Ingalls and Thomas Varnum.

Evin Moris of Topsfield, for reviling the ordinance of God and such as are in the church fellowship, "saying when some was together keeping a day of Humiliation that they were Howling like wolues and lifting up there paws for there Children saying the gallows were built for members and members' Children and if there had beene noe members of Churches there would haue beene noe need of gallows." Wit: James How, jr., John How, John Pearley and Mary How.

Rowley vital records, 1656 :—

Sarah Phillips, daughter of Samuel and Sarah, born 1 mo : 7.

†Autograph.

John Palmer, son of John and Margaret, born 1 mo : 15.  
 Martha Clarke, daughter of Richard and Alice, born 1 mo : 10.  
 Joseph Jewit, son of Joseph and Ann, born 2 mo : 1.  
 Sarah Tenny, daughter of William and Katherin, born 7 : 20.  
 Mary Spofard, daughter of John and Elesabeth, born 9 mo : 1.  
 John Wood, son of Thomas and Ann, born 9 mo : 2.  
 Samuell Kilbourne, son of George and Elesabeth, born 9 mo : 11.  
 Mary Plats, daughter of Jonathan and Elesabeth, born 9 mo : 11.  
 John Burkbie, son of Thomas and Martha, born 9 mo : 16.  
 Hannah Jonson, daughter of John and Hannah, born 9 mo : 20.  
 Sarah Scot, daughter of Benjamin and Margret, born 11 mo : 1.  
 Sarah Pickard, daughter of John and Jane, born 1 mo : 1.  
 Henry Byley married Mary Eletrope, 8 mo : 12 : 1656.  
 Nickolas Jackson married Elesabeth Chaplin, Dec. 9.  
 Henry Sewell buried 1 mo : 1656.

Signed by John Trumble.\*

Newbury vital records :—

Joseph, son of Will. Richardson, born May 18, 1655.  
 Sara, daughter of John Poore, born June 5, 1655.  
 Christopher, son of Christopher Bartlet, born June 11, 1655.  
 James, son of James Jackman, born June 22, 1655.  
 John, son of Richard Bartlet, born June 22, 1655.  
 Timothy, son of Nicholas Noyes, born June 23, 1655.  
 John, son of Georg Little, born July 28, 1655.  
 Elizabeth, daughter of John Bishop, born Aug. 1, 1655.  
 Sara, daughter of William Ilsly, born Aug. 13, 1655.  
 Mary, daughter of William Bolton, born Sept. 25, 1655.  
 Sara, daughter of John Pike, born Sept. 13, 1655.  
 Hester, daughter of John Bond, born Sept. 3, 1655.  
 Ephraim, son of John Davis, born Sept. 29, 1655.  
 Elizabeth, daughter of John Knight, born Oct. 18, 1655.  
 Sara, daughter of Steven Grenleafe, born — 18, 1655.  
 John, son of Aquilla Chase, born Nov. 2, 1655.  
 Debora, daughter of Tristram Coffin, born Nov. 10, 1655.  
 Ruth, daughter of Edw. Richardson, born Nov. 23, 1655.  
 Sara, daughter of James Ordway, born Jan. 14, 1655.  
 Elizabeth, daughter of Steven Swett, born Jan. 17, 1655.  
 William, son of William Sawyer, born Feb. 1, 1655.  
 Abigail, daughter of David Wheeler, born Feb. 2, 1655.  
 John, son of John Webster, born Feb. 11, 1655.  
 Hanna, daughter of Samuell Plumer, born Feb. 16, 1655.  
 Sara, daughter of Mr. James Noyes, born Mar. 21, 1655.  
 Henry Fay died June 30, 1655.  
 John Wallington died Jan. 6, 1655.  
 Thomas Silver died Mar. 3, 1655.  
 Elizabeth Morse died Mar. 18, 1655.

\*Autograph.

## COURT HELD AT SALEM, 25: 9: 1656.

Thomas White of Wenham acknowledged judgment in favor of Tho. Robbins, assignee of Willm. Walbridg.

Richard Kemball of Wenham sworn constable of that town.

Issac Comings of Ipswich prosecuted Zerubable Phillips for breaking his house. Phillips did not appear. Mr. Nathaniell Rogers, Humphry Griffin, Jon. Fuller, John Caldwell, John Comings and Wm. Smith bound for his appearance to the treasurer of the county. Bond forfeited.

Elizabeth Bishop died Mar. 11, 1655.

John Tilletson married Jane Evans, May 24, 1655.

Daniell Thurston married Anna Pell, Oct. 20, 1655.

Signed by Anthony Somerby.\*

Inventory of the estate of Francis Parrat of Rowley, lately deceased, taken, 15: 7: 1656, by Mr. Joseph Jawet, Max. Jawet, Ezekiel Northene and John Smith: House, orchard and home lott, 70li.; 10 Acres in the northeast feild, 40li.; two Ackers of Bastard marsh, 4li.; two Acres of salt marsh, 5li.; Sawier's Ilande, 35li.; marsh and Broken uplande, 35li.; at the great plaine, 16 Akers of lande, 20li.; ten Akers of medow at the Crayne, 10li.; 13 Gates, 13li.; one Mare, 13li.; two oxen, 11li.; three Cows, 11li.; two steares, 5li.; two yearling Calves, 3li. 6s. 8d.; sheepe, 9li. 10s.; eighteene hogs, 15li.; one Asse, 4li.; due from Andrew Hadon, 6li. 10s.; some Linin, 3li. 13s. 4d.; A bed with Beding, 5li.; another Bed with Beding, 3li.; one Bed, 2li.; malt, 6s.; hemp and flax, 1li.; sheep woll and Cotten woll, 2li.; a sword, 10s.; two tubs and a trough, 2s. 6d.; a payre of scales and weights, 5s.; one Chest, 5s. 6d.; hemp yearne, 1li.; Books, 6s. 8d.; pots, ketles, hooks and a back Iron, 4li.; peuder, 2li.; two Jugs and a frying pan, 1s.; wooden and earthen vessells, 1li.; foure Cushins, 10s.; one Cuberd, 5s.; one Cart, one plow with other Iron Geares, 2li. 10s.; Scives, 3s.; twelves Ackres of Ry, 12li.; thirteene Ackers of Corne, 20li.; Hay, 10li.; fowre hides, 3li.; for hides Taning, 5li. 13s. 1d.; one Musket, 12s.; a brake, 2li. 6s.; total, 357li. 5s. There were a few things of uncertain value, as a hogshead of sugar, his wearing clothes, something in England and 22s. forgotten, for which there was as much debt forgotten. His debts amounted to 63li. 9s. 5d.

John Pickard testified that he advised the widow Melody to go to Boston with her son. She answered that she would never go from Ipswich.†

\*Autograph.

†This paper was misplaced in the files. It refers to the settlement of Thomas Ellitrop's estate. See Vol. I, p. 423.

Maj. Willm. Hathorne, Mr. William Browne and Mr. Edmond Batter sworn commissioners to end small causes in Salem.

Present: Mr. Simon Brodstreete, Daniell Denison, Maj.-Gen., Mr. Rich. Dumer, assistant, and Mr. Hubbert, assistant.

Grand jury: Jeffrey Massy, Jon. Porter, sr., Rich. Brackenbery, Samuell Aborne and Thomas Watson of Salem; Lt. Thomas Marshall, James Axie, Francis Ingalls and Nathaniell Hanford of Lynn; James Moulton of Wenham; John Sibly of Manchester; John Bartoll of Marblehead; and George Blake of Gloster.

Jury of trials: Mr. Walter Price, Ens. Willm. Dixie, Willm. Flynt, Rich. Bishop, Fran. Skerry, Michael Shafin, Willm. Dodge, Andrew Mansfield, John Mansfield, Mathew Farrington, Thomas Fiske and Thomas Prince.

Civil cases:—

John Rodes v. Alexsander Gold. For shooting and killing his dog.

John Rodes v. Alexander Gold. Slander. For saying that plaintiff was a cheating rogue and knave.

Edward Woolland v. William Pitt. For not delivering goods in Newfoundland.

Thomas Robbins, assignee of William Walbridg v. Tho. White. Debt. Withdrawn.

Richard Kemball v. Richard Shatchwell and his wife Rebecca. For slander, spoken by said Rebecca.

Zacheus Gould v. Thomas Cutler. For not paying to Mr. Henry Barthollmew 50s. for said Gold and not delivering a mare according to agreement.

Mr. Richard Dumer, executor of Mr. Thom. Nelson v. Phillip Nelson. Review. Withdrawn.

Elias Stileman, attorney of Mr. John Holgrave v. Thomas Davis and Robert Swan. For not paying corn at Boston.

Edward Pitford v. William Beale. For work done at the mill.

Mr. Nicholas Davison v. Robert Gutch. Plaintiff had possession of the house given him by Mr. Willm. Norton, to whom it was mortgaged. Withdrawn.

John Putnam v. Joseph Gardner. Mr. Tho. Gardner appeared for the defendant.

Roger Haskall v. Giles Corey. Debt.

Mr. Fran. Johnson, Mr. Moses Maverick and Mr. John Bartoll sworn commissioners to end small causes at Marblehead.

George Fraill of Lyn freed from training.

Macklin Huckstable of Marblehead, dying intestate about five months since, administration was granted to Mr. Edm. Batter and Mr. Fran. Johnson. Inventory, 29li. 9s. 6d. Insolvent.

COURT HELD AT SALEM, 26: 9: 1656.

Capt. Wm. Gerrish sworn commissioner for Newbury.

Will\* of Mr. James Noies of Newbury proved by Capt. Wm. Gerrish and Nicholass Noies. Also inventory proved.†

\*The will was sworn to by Robert Long, Nov. 21, 1656, before Edward Woodman‡ and Nicholas Noyes,‡ commissioners for Newbury: "my will is that my wife shall have the rule and ordering w<sup>th</sup> the disposing of all my substance I have; while she keepeth hir selfe in an vnmaryed Condition, And That she will Take counsayle of my Loving Freinds Cozen Thomas Parker my brother Nicholas Noys & W<sup>m</sup> Gerrish; But if she dissposeth hir selfe in way of marryage then my will is; That my Friends Above mentioned shall have the disposing of all for the portions of my wife And Children as they shall see meete; in witnes hereof I have put my hand this 17th oektob: 1656, James Noies."† Wit: Wm. Gerrish,‡ Richard Browne‡ and Robert Long.‡

†Inventory of the estate of Mr. James Noyes, teacher of Newbury, who deceased Oct. 21, 1656, taken by Richard Knight,‡ Anthony Somerby‡ and Benjeman Swett,‡ and sworn to by Sara Noyes, widow of the deceased, Nov. 21, 1656: The house and seven akers of land adjoyneing with the orchard, 100li.; foure akers of upland and four akers of meadow, 20li.; twelve akers of marsh or meadow, 30li.; two akers of arable land, 10li.; seauenty-five akers of upland and meadow, 150li.; foure oxen, 22li.; eight Cowes, 27li.; a two yere old steere and two calves, 3li. 10s.; six swyne, 8li.; ten small swyne & 3 shoots, 6li.; two mares and colts, 36li.; his weareing apparrell, 13li. 6s. 4d. In the parlour: one bedsted with two featherbeds, 2 bolsters, 3 pillows, 2 blankets and one rugg, with Curtaines & vallons, 15li.; one presse and a little table and a chest with 3 chayres & 3 Joynd stooles, 2li. 10s.; a little carpet and eight turkey worke cushions, 2li. 15s. In the closset: A case of bottles and some earthern potts and gally potts, 10s. In the hall: One table with a joynd forme and a childs chayre and a livery cubbard and benches, 1li.; a carpet and Cubbard cloth, 10s.; 3 cushions & apaire of And Irons & tongs & fire pan, 1li. In the kitchin: Foure Iron potts with 2 pr. of pott hookes, with 2 pr. of Cottrells & a trevet, 2li.; one Jacke, one spitt, an Iron drippinpan with a fire pan, a pr. of and Irons & other

‡Autograph.

Isaack Cozens brought suit against Thomas Treadwell. Defendant given fees. Mr. Lord was the defendant's attorney.

Job Hilliard arrested on complaint of John Williams. Not prosecuting action defendant given fees.

Matter between the son of Abraham Whithare and Robert Gray. brought up at last court, reviewed, and it was ordered that 10s. of the fine be abated.

James Paw presented for absence from his wife. The constable made return that he had been out of the country some time.

Contract of marriage between Thomas Nelson of Rowley and Joane Dumer, dated 15: 12: 1641.

"Know all men by these p'sents, that whereas there is a Contract of marriage betwixt Thomas Nelson of Rowley in New-England Gent: & Joane Dumer Spint' y<sup>e</sup> daughter of Thomas Dumer

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small Iron Implements with 2 frying pans, 2li.; one furnace, a brasse kettle & a small brass pot with two warming pans, a brass mortar and pestle and foure brasse skilletts and two brass candlesticks with some other old brassen Instruments, 3li.; on one shelve, one Charger, 5 pewter platters and a bason and a salt seller, 1li. 10s.; on another shelve, 9 pewter platters, small and great, 13s.; one old flagon and 4 pewter drinking pots, 10s.; one safe, 2 chayrs, one churne and a cheespress with tubs and buckets and keellers, 2li.; 4 barrells in the seller and 2 powdering tubs & a halfe bushell & other lumber, 1li. In the kitchin Chamber: One bedsted and a featherbed, 2 bolsters, 2 pillowes, one blanket and 2 ruggs, 9li.; a truckle bed and bolster and rug, 1li. 10s.; 2 dozen and halfe of napkins & towels, 1li.; 9 pr. of sheets & 2 table cloths, 5li.; one damask cubbard cloth & towell, 10s.; one featherbed at the Colledg with a bolster and 2 pr. of Sheets and 2 ruggs, 5li.; 4 holland pillow bears and other pillowbeares, 1li. 5s.; six other table clothes, great and small, & a bolster case, 1li.; one trunck, one chest, 3 boxes & a cabinet and 2 chamber pots, 1li.; one silver bowle & 3 silver spoones & other small peices of silver, 2li. 10s. In the parlor chamber: Two boxes, 4 hogsheds, a musket and a gun and two swords, 2li.; a bolster and a quilt & two blankets and a parsell of Cotten wooll, 3li. 10s. In the Hall chamber: In Indian corne, a meale trough, a spinning wheele & sacks & other lumber, 2li.; 4 trayes, 8 spoones, 2 haire sieves & a tiffiny seive, 12s.; corne in the barne, 10li.; in the study, in books, 30li.; total, 597li. 11s. 4d. Debts due to be paid in England, 16li. 10s.; and to be paid at Boston & in our owne towne about 40li.; total, 56li. 10s. Debts due the deceased, 60li. Sara Noyes, the widow, made oath before Edward Woodman\* and Nicholas Noyes.\*

\*Autograph.



of Badgeth in old England Gent: and whereas alsoe Richard Dumer of Newbery in New-England Gent hath engaged & bound himselfe for y<sup>o</sup> payment of two hundred pownds for or towards y<sup>o</sup> marriage portion of the said Joane, as by his bond bearing euen date w<sup>th</sup> these p<sup>s</sup>ents appeareth, Now the said Thomas Nelson (In Consideracon of his marriage w<sup>th</sup> the said Joane) doth hereby bind himselfe his heires Execu<sup>rs</sup>: Administrato<sup>r</sup>s & assignes & euery of them vnto y<sup>o</sup> said Richard Dumer his executo<sup>rs</sup> admin<sup>s</sup> & assignes & to euery of them, in y<sup>o</sup> summe of fower hundred pownds, to be paid vnto them or some one of them, in case there be a faileing to pforme the Condicons Following: Viz<sup>t</sup>. That if after the Compleating of the marriage Contract above mentioned, the said Joane doe survive the said Thomas Nelson then (Imediately upon the death of the said Thomas) the summe or uallue of two hundred pownds & Likewise soe much more as the said Thomas Dumer shall ad unto the said porcon of two hundred pownds (together alsoe w<sup>th</sup> what else the said Thomas Nelson shall thinke fitt) shall be allowed payed or deliuered unto y<sup>o</sup> said Joane for her owne use behoofe & benefitt, And further that as y<sup>o</sup> Eldest sonn of the said Thomas Nelson shall have a double porcon out of his estate, soe the remainder of his estate shalbe equally deuided amongst ye rest of the children, as well those as shall be ye Joynt issue of them y<sup>o</sup> s<sup>d</sup> thomas & Joane (if any such be) as y<sup>o</sup> other: w<sup>th</sup> condicons being performed according to y<sup>o</sup> true intent & meaning of these p<sup>s</sup>ents, Then the bond in these p<sup>s</sup>ents contained shalbe utterly void or els it shall stand remaine & be in full force & vertue; Dated y<sup>o</sup> fifteenth day of y<sup>o</sup> Twelfth month 1641

“Sealed & deliuered

in y<sup>o</sup> p<sup>s</sup>ents of

Richard Saltenstall

Ez: Rogers

Wm: Wakefeild

Tho Nelson

“M<sup>d</sup>: that before y<sup>o</sup> ensealing & deliury of y<sup>o</sup> p<sup>s</sup>ent Writing, it was agreed that the whole porcon that shalbe Reces<sup>d</sup> by the aboue named Thomas Nelson shall (upon y<sup>o</sup> Requirey & according to y<sup>o</sup> aduise of y<sup>o</sup> Friends of his p<sup>s</sup>ent Contracted wife) be disposed & assured for the maintenance of his s<sup>d</sup> wife during her life (in case she suruive the said Thomas) & afterward to be equally deuided amongst there Children, but while they both Live it is to

be for there Joynt maintenance, Alsoe it is agreed that y<sup>e</sup> s<sup>d</sup> porcon shalbe Receiued & disposed of from time to time by the aduise of y<sup>e</sup> friends indifferently of the said Thomas & his said wife; ec."

Henry Muddle presented for absence from his wife divers years. The constable made return that he had gone out of the county.

COURT HELD AT SALEM, 28: 9: 1656.

Anis Chubb and Elizabeth Vinsent of Manchester presented for railing speeches, foul language and fighting. Wit: Alice Leech and Peter Whithare. Case continued.

Anis Chubb, with her daughter Deliverance Chubb, and Elizabeth, daughter of Abraham Whithare, fined on their presentment for abusing and beating the daughter of John Norman, said Chubb calling for an axe, saying she would kill her.

John Pollen of Wenham and wife Bethiah, fined for fornication before marriage.

Elizabeth, wife of John Legg of Marblehead, presented for perniciously belying the wife of Jon. Cleements in the matter of the birth and death of a child of hers, because she called none to its birth or death. To sit in the stocks. Wit: Mary Cauly, Mary Trevit and Goody Clements.

Edward Pitford of Marblehead fined for being disguised by strong liquors or wine. Wit: Henry Stacie and Tho. Bowen.

Henry Cooke of Salem and his son Isaac, presented for beating and kicking Sam Abourn and Moses Aborne, sons of Sam. Abourn, on the Lord's day. Discharged.

William Lord, jr., of Salem fined for cruel and much beating of James Abbott, servant to Mr. Edmond Batter, with a walnut cudgell, saying he would kill the rogue, when help came to the rescue.

William Everton presented for drinking tobacco near a barn, without doors. He was found to be at sea.

Bettres, wife of Willm. Canterbury, fined for provoking speeches to the wife of John Rouden, calling her "lousie slutt," saying she had but one shift, and giving strong suspicion of assaulting her person. Said Canterbury's wife, with her daughter, were seen to go out with a stick and presently a great cry was heard. A short time after, Rouden's wife showed the print of blows.

John Cantlebery fined for lying in wait and beating the wife of John Rouden, coming from behind a bush when his mother and Rouden's wife were "in combustion." His mother went away,

and Benjamin Woodrow, being near, heard Mrs. Rouden cry out, on the Lord's day. His father engaged to pay the fine.

Benjamin Woodrow to sit in the stocks for perjury in the trial of the foregoing complaint.

John Rouden's wife, of Salem, fined for fighting with and beating the wife of Wm. Cantebery on the Lord's day. Phill. Cromwell promised to pay the fine.

John Longlark of Gloster, presented for long absence from his wife. He was found to be out of the county.

Ordered that five shillings be given to the servants of the house.

COURT HELD AT IPSWICH, Mar. 31, 1657.

Judges: Mr. Symon Brodstreet, Mr. Samuell Symonds, Major-General Denison and Mr. Willm. Hubbert.

Jury of trials: Lt. Samuell Appleton, Serg. Tho. French, Tho. Safford, Sam. Younglove, John West, John Trumble, James Barker, John Lambert, Willm. Morse, James Packman (Jackman?), Robert Long, Tho. Dorman, Will Howard, Jo. Pike, Ez. Northen, Hen. Skerry and Rich. Kent.

Rich. Doall sworn constable for Newbury and John Dane for Ipswich.

Nicolas Noyse and John Pike sworn commissioners for Newbury.

Joseph Noyse and Joseph Mussey of Newbury and George Farough of Ipswich made free.

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Mary Parcker, aged about twenty years, testified that Henry Kimball never agreed with her for the stripes he gave her until Robert Whitman went to her master's house a few days before Apr. 23. Sworn before Daniel Denison,\* 9: 24: 1656.

Ezekiel Mighill and Philip Nellson deposed that they heard Mr. Shepard say to John Asy (Acie) that he had better let John Pickard alone and not sue him, for he would "winde out."

Rebecca Black testified that Willm., Goodman Harraden's man, came in to her master, Wm. Cogswell's house, when people were going to meeting on the Sabbath day, and asked her where James was. She said, "He is gone to meettinge." Then he took a stool and sat down before her. Then he rose from the stool, sat in her lap and kissed her. She strove with him, and he went to a door and looked out. He would not let her go forth. She then went to the cradle to see how the child was, to get away from him, and he took her by the shoulders, throwing her against the table board, etc.

\*Autograph.

## Civil cases :—

Mr. Richard Dummer v. Phillip Nelson. Review of a case tried at Salem last June. The question was whether the children mentioned in the memorandum meant the children of their two bodies.

Phillip Nelson v. Mr. Richard Dummer, executor to Mr. Thomas Nelson. For giving a false account of his father's estate at Salem court. Verdict for the plaintiff, money damages and two-fifths of the saw-mill irons, etc.\*

She strove hard with him, scratched and pinched him, and had much ado to keep herself from him, etc. He threw her upon a chest that stood near; and she said, "Let me go and look to our children," etc.

Joseph Porter, aged about nineteen years, and John Glover, aged about twenty-one years, deposed that the colt that was Mr. Cowes was wintered at their farm two years, etc. Sworn, 25 : 2 : 1656, before William Hathorne.†

\*Verdict in Nelson's case. Signed by Elias Stileman,† clerk.

Writ: Mr. Richard Dumer v. Mr. Philop Nelson. Review, concerning an account as executor of the estate of Mr. Thomas Nelson, deceased; dated 7 : 1 : 1656-7 and signed by William Howard,† for the court. Served by Edward Browne,† marshal of Ipswich, Mar. 25, 1657, by attachment of a gray mare, a black mare colt with a gray tail, and a reddish mare with a black tail, branded with R. D.

List of articles not formerly demanded: Due to Mistress Nelson after her husband's death, before the will was proved, for the rent of the mill, 18li. 15s.; for rent of 2 acres of land to sett a house on & meddow & upland at mill, 3li. 7s. 6d.; to ye same land 5 yeares & a halfe more, 14li. 17s.; for ye use of ye mare & Cowes for a year & qu., 1li. 17s.; for 200 li. due in August, '48, not payd till September, '51, 237li., etc.

"m<sup>r</sup> Dumer there is due from m<sup>r</sup> Nelsons farme at Crane meadow 2<sup>n</sup> 4<sup>s</sup> 10<sup>d</sup> of which ¶ we ¶ desier you to pay 8s. to Brother swan to Brother Dickinson 8s. 10d. and y<sup>e</sup> remainder which is 1<sup>l</sup> 8<sup>sh</sup> 0<sup>d</sup> to Brother Tod

"from those which laid it out

" William Hobson†  
Thomas Dickanson†  
in the name of the res"

Richard Dumer's bill of charges in the review against Mr. Phillop Nelson.

Account concerning personal estate in Old England and New England, the fence at the warehouse, old saw mill fences, etc. Philip Nelson is creditor for clothing and education. Money due

†Autograph.

from Mr. Jewitt, John Pickard and Goodman Spaford, and many cattle.

Account of the estate of Mr. Thomas Nelson, deceased, debtor, presented to Salem court by Mr. Richard Dumer, June —, 1656, upon suit of Philip Nelson, rectified: The mill and all that belonged to it, appertaining to Mr. Nelson's widow from Aug. 6, 1648, the time of her husband's death, until the accounting to the General Court, 18li. 16s.; the rent of 2 acres of ground in the pond field, 3 acres of land at the mill and 7 acres of meadow all belonging to the widdow (by bequeathment of the mill and otherwise), the Income thereof being brought into the estate as agent for a yeare & Quarter, —; the same lands for 5 yeares & 1-2 being Improved, the Income thereof went to the estate, —; the benefit of the mare bequeathed to the widdow with the 4 best Cows, for one yeare & Quarter (the which was accounted to the Estate as Agent,) —; a piece of stuffe sent to the widdow by her father for a gowne but being taken into the Inventory, —; there being much money laid out upon the mill in stones, Timber, Ironworke to the value of 34li. 17s. 10d. by the which the mill will remaine bettered at least twenty yeares & also the said mill thereby Advanced in price above 100li. to the estate, but the Widdow having had the use of the said charge laid out in the mill neare 3 yeares, she may allow 5li. 16s. 2d. but the rest of the charge the estate ought to allow which is 29li. 1s. 8d.; to money paid the widdow in England given her by will, 10li., & the Interest of it for 3 yeares & one month, 1li. 10s. 10d., —; a silver bowle to the Widdow, 2li. 10s.; a choice mare, 12li. & 4 of the best Cows, paid in England, —; a Joynter by bond to the Widdow due to be paid in August, '48 but not paid until September, '51, the sume of 200li. with Interest for 3 yeares & one month, —; charges in England from South-hampton to Yorke & Hull which is 400 miles (18 dayes), with the hire of three horses & 2 men & expences to Endeavour to gaine the money due, —; money paid to an Agent in England for getting the said money afterward, —; money to proove & Record the will in England, —; a Voyage Into England to gaine the said money with charges thereupon (not before mentioned), —; money due upon the ballance of the Account as agent in Octob., '49, under the hands of the worshipful Mr. Symonds & Captaine Bridges, a Committee of the Generall Court, 30li. of the said Account paid in England, —; pay to Francis Parrat, —; breaking up land in the home feild by Goodm. Boise, —; 23 rods of 5 rayle fence & carrying it by Goodm. Longhorne, —; posts making & setting up, —; to walling the sellar, propping the fence & thatching the house, —; laying out the farme at Crane meddow, —; Recording the will & Inventory at Ipswitch, —; charges at Ipswitch at an arbitration with Goody Crosse, —; the Executor for his paines for 6 yeares, sallery formerly allowed by the Court, —; debt due to Mr. Thomas Dumer in England when Mr. Nelson dyed beyond

his present estate did pay, — ; an oxe twice charged, both in the Account as Agent & also in the Inventory, 9li. ; old metal, 4s. 10d. ; legacie of 10li. to Philip & to plate to Philip & Thomas, 3li., —.

Copy of will of Thomas Nelson, dated 6 : 6 : 1648, and proved Mar. 31, 1657.

Copy of statement relating to a marriage contract of Joane Dumer of Newbery with Thomas Nelson of Rowley, gent., and a bond of Thomas Nelson, for two hundred pounds, to Richard Dumer of Newbury, in trust for said Joane ; and said Jone Nelson\* certified that her husband died, leaving for her in his will four of his best cows, one of his best mares, ten pounds to build her a house and the use of two acres of ground in the pond field of Rowley to put it on, in all about 50li. ; also a silver bowl appraised at 50s. ; all of which she acknowledged to have received near Southampton, in Old England ; dated July 1, 1654. Wit: Tho. Dumer, sr., Tho. Dummer and Hester Dumer. Copy acknowledged Apr. 28, 1657, before Robert Lord.\*

The following is from a copy on file :—

“ february 20<sup>th</sup> 1654

“ Reced of my vnckle Richard Dumer by the hands of cousen Thomas Dumer these sumes hereafter mentioned for & toward the mayntenance of my two children Samuell Nelson and marsy Nelson being monyes issuing out of the Intrrest of their portions *first the som of Twenty eight pounds and seaventeene pounds and Twenty pounds being in all sixty five pounds which is all I haue received since my husband dyed I saye 65<sup>li</sup> 0<sup>s</sup> 0<sup>d</sup>.*

“ Witnesses, Tho. Dumer, Hest<sup>r</sup> Dumer.

“Jone Nelson.”

Statement by the executor of grounds for review. A boy was sold for eight pounds, concerning whom no clear account could be given whether he belonged to Mr. Nelson's estate.

An answer to the demandes upon account of Mr. Nelson, action of Reuew of Mr. Dumer : First wee grant the some to be 255li. ; 2th, we affarme we know but of 18s. 8d. received ; 3th, we disowne & affarme it to be but 2li. 9s. ; 4th, by money in England we owne, 530li. ; 5th, we owne it to be but 11li. 10s. ; 6th, for rent of the farme for six yeares we owne but 222li. ; 7th, Concerning the advance of the 530li. with the use (We Conceive that is errationall) for ther ought first to be the debts deducted payable in England which is to the some of 377li. 7s. 10d., as appears in the plaintives account, then ther remaine to paye use & advance for 152li. 12s. 2d., for 4 yeares &  $\frac{1}{2}$  at 40li.  $\frac{3}{4}$  cent, 60li. 17s. ; 8th, Concerning the Improvement of the 255li. 4s. 3d. of psonall estate in New England, ther is also a falicie, for first the debts must be deducted & also the dead goods, which sayd debts besides the 377li. 7s. 10d. befor expressed amounteth to 148li. 18s. and of the dead goods,

\*Autograph.

46li. 17s. 5d.; then ther Remaine to paye use for but 59li. 8s. 10d. which at 5li.  $\frac{3}{4}$  cent amounteth but to 19s. 5d.; 9th, concerning use for the rent of lands lying in hand, the highest demandes can be is but for 5 yeares which amounteth to 15li. 12s.; 10th, Concerning the use for the money in hand for fences, we owne but 18s. 8d. received for the other fence Concerning goody Crosse that is not received to this time & besides it is but 49s. when it doe Com, then ther is to be for use of 18s. 8d. in hand for 7 yeares, 6s. 6d.; 11th, concerning the saw mill Irnes for what they ware they are in kinde & have binn offered to them & therefore nothing to be allowed; 12th, concerning the boy, we denye him to be Mr. Nelsons esstate, haveing now examined it which we Could not see fully deny at Salem court; the psonall esstate in New England, debts deducted, 106li. 6s. 3d.; the warehouse fence, 10s. 8d.; Goody Crosses fence, 2li. 9s.; the 530li. in England, debts deducted, 152li. 12s. 2d.; the incom of the mill, 11 mo. after the widow dyed, 11li. 10s. 2d.; rents for the farme for six yeare, 122li.; for advance & use of the money in England, 60li. 17s. 6d.; use of the money in New England, 2li. 19s. 5 1-2d.; use of the rent of lands, 15li. 12s.; use of 18s. 8d. for 7 yeares, 6s. 6 1-4d.; total, 475 li. 11s. 8 3-4d.

Mr. Nelson's 2 fifths is just 190li. 4s. 8 1-4d. & 10li. legisie & use, 13li., 203li. 4s. 8 1-4d.; his debt to clothing & other disbursements, 158li. 17s. 6d., more debt for use of the same, 22li. 10s., 181li. 7s. 6d.; due to ballance, 21li. 17s. 2 1-4d.; Mr. Nelson received by judgment, 229li. 10s. 4d. & one yeares rent of land, 237li. 14s. 4d.; due to plaintiff, 215li. 17s. 1 3-4d.

Copy of Mr. Richard Dumer's account of Mr. Nelson's estate, which was left in the hands of the said Mr. Dumer upon Mr. Nelson's going into England, returned by Samuell Symones and Robert Bridges, a committee appointed by the General Court. Dated, 25 : 8 : 1649. Copy attested, Mar. 12, 1656, by Samuel Symonds.\* The account: Book for Phillop Nelson, 1s. 4d.; Willm. Boynton for work, 7s. 6d.; sumering 8 Cattle, 2li.; Willm. Jackson, 7s.; Goodman Bradstreet, 16s.; Mr. Rogers for Corne, 3s.; for Teching the Children, 10s.; for paper & threed, 4s. 1d.; Robt. Heaselington, 7s.; stockings, buttons, Cotten & other things for the Children, 1li. 8s. 6d.; Capt. Bridgam for oates, 3s.; to Mathu Boyse for a debt that was oweing by the towne, 14li. 10s.; for fence at pentockitt, 2li. 12s.; to the ministry, 4li. 4s.; teaching the Children, 3li. 3s. 4d.; Humfery Rayner, 3s. 9d.; nayles, 6s. 10d.; the menisters rate in May, '48, 3li. 9s. 6d.; Cutting the Children's heare, 3s.; Humfery Rayner, 2s. 3d.; neckcloaths & shirtts for the Children, 2li. 5s.; making bands, mending shouses & Close, 3s. 10d.; Capps, stockings, shouses for the children, 1li. 1s. 2d.; new shouse & mending ould, 15s. 6d.; dyet for the 2 boyes from novemb., '47 to Maye, '48, 6li. 12s.; for wintering 19 Cattle & 6 horses in the yeare '47, 14li.

\*Autograph.

4s. 8d. ; the Constables rate, 2d mo. '48, 1li. ; Tho. Miller & Mark Prince for the mill dam, 10s. ; Joseph Juitt for books & other things for the Children, 6s. 3d. ; Mr. Brock for teaching the 2 boyes, 1li. 10s. ; Cloath for 2 sute & makeing them for the Child, 4li. 15s. ; Joseph Juitt for the mill dam, 16li. ; the Children dyet to goodman Parrit, 13li. 14s. ; more to goodman Parrit, 1li. ; my owne expence of time & otherwise to order Mr. Nelsons eestate before his death, 13li. 6s. 8d. ; Ed. Calton for the time he was Employed aboute Mr. Nelsons busines, 1li. 10s. ; Rich. Longhorne for worke, 4s. ; seed rye, 6s. 1d. ; mending Closes, 2s. 4d. ; drauers, stockings, Cassack & sute mending, 8s. 10d. ; mending shouses, 5s. 6d. ; payer of shouses, 3s. 8d. ; the Children's dyet from 15 : 11 : '48 to 1 : 3 : '49, 4li. 10s. ; the towne rate 10mo. '48, 1li. 3s. ; Cloath for 2 great Cootts for the boyes with buttens, silk threed, loops & making, 3li. 7s. 7d. ; sumering 11 Cattle in '48, 1li. 18s. 6d. ; wintering 11 Cattle in the year '48, 7li. 6s. ; wintering one oxe, 1li. 5s. ; sumering 4 meares & 2 coults & seeking of them, 1li. 1s. ; wintering 8 meares & Coults, 4li. ; my Charges aboute Mr. Nelsons busines since he dyed, 5li. ; a shert for Tho. Nelson, 4s. 6d. ; to Tho. Miller & Mark Prince for uphoulding the mill dam, 10s. ; a towne rate in the yeare '49, 1li. 3s. ; a Contry rate in '49, 1li. ; stockings for Tho. Nelson, 3s. 6d. ; shouses for Tho. Nelson, 3s. 8d. ; Mr. Johnson for teaching the Children, 15s. ; Mr. Hadden for teaching the Children, 19s. 10d. ; John Spaford for worke, 4s. 10d. ; 2 payer of stockings & shouses, 11s. 8d. ; Franc. Parritt for dyat for Phillop Nelson, 2li. ; a payer of shouse & mending a payer, 4s. 10d. ; mending a payer of shoues for Phillop Nelson, 1s. ; sent into England for the release of Mrs. Nelson & her Children, by the Consent of Mrs. Bellinger, 30li. ; received, 282li. 4s., disbursed, 303li. 19s. 2d., due to balance, 21li. 15s. 2d.

Disbursements by Mr. Rich. Dumer for Mr. Tho. Nelson from Dec. 6, 1645 to the last of Sept., 1649 : For Beefe, 20li. 10s. ; suger & Cotten woole, 14s. ; a payer of Cart wheels, 1li. ; his passage to England, 5li. ; butter & cheese, 2s. 8d. ; fruit, suite & mault, 4d. ; ginger, green & drye, 7s. 4d. ; 24 bushils of wheat, Rye, Indian & oates, 4li. 19s. 6d. ; fenceing neer the mill, 1li. ; fruit & suger, 5s. ; beefe, 1li. 7s. ; Cloath for John Johnson & blue lining & salt, 1li. 3s. 9d. ; Joseph Juitt for stuff, 3li. 14s. ; Mr. Shewell & Georg Gouldwyre, 14s. 5d. ; Edward Carlton, 1li. ; Mr. Cutting, 5s. ; beaver sent to England for Mr. Nelson's use, 20li. ; bayes & blue lining, 14s. 7d. ; Mrs. Nelson & her Children when they went to England, 7li. ; Caring down the goods to Boston, 12s. ; nayles for the mill, 5s. ; for stockings, sope & blue linen, 19s. 6d. ; John Remington for worke at house & mill, 3li. ; Rich. Lighton & Will. Scales for worke, 11s. 2d. ; Willm. Law & for rebond & stockins, 10s. 2d. ; horse shouses & shouing, 4s. ; the milch of a Cow, 1li. 5s. ; a goate, 13s. ; to Antho. Summersby for sadle mending, 4s. 6d. ; shouses & stockings for Philop Nelson & Jo. Johnson, 10s. 6d. ;



shoues & hard sope, 5s.; making 7 shertts, 2s. 8d.; a bedteeck, 13s.; nayles for the mill house, 12s.; shouses mending, 1s. 6d.; John Dresser, 2s. 10d.; John Trumble, 3s.; Cloath for the Children, 16s.; Willm. Boynton & James Barker, 11i.; John Boynton, 8s.; shouses mending, 1s. 10d.; a towne Rate, 11i. 9s. 10d.; teaching the Children & paper, 11i. 15s.; more for teaching the Children, 11i. 10s.; the ministers rate, 41i. 19s.; fire wood to the scoool, 3s.; Tho. Millerd for worke, 1s. 10d.; Sara Glover, 3s. 8d.; shouses & Inkhornes to the Children, 4s. 4d.; the deakens & Robt. Hunter, 3s. 10d.; Rich. Swan & bricks, 8s. 4d.; Willm. Boynten & for Canvis, 5s. 10d.; Rich. Longhorne for work, 11i. 17s. 10d.; dyet for 2 Children one yeare, 151i. 12s.; Isaac Cossens & Ez. Norden, 11i. 2s.; mending shouses & stockins, 1s.; John Johnson, 11i. 13s.; John & Robt. Hasslington for fencing, 11s.; seates in the meting house, 5s.; a garner in the barne, 21i. 6s.; John Tod in Rye, 3s.; for mending Children Close, 2s.; a payer of shouses, & worke by Will. Tennee, 10s.; John Bemington for worke, 11i. 16s.; 2 payer of shouses, 7s.; to humfery Rayner for Taning of hides, 10s.; the menisters Rate, 51i. 10s.; worke at the mill dam, 101i.; mending shouses & Closes, 3s.; Ed. Carlton, 11i. 2s.; John Spaford, 16s.

Copy of contract of marriage of Thomas Nelson and Joane Dummer, dated 12 : 15 : 1641, as recorded by Robert Howard, notary public, Mar. 3, 1656.

Richard Swan deposed that he bought a couple of oxen of Mr. Dummer about two years after Mr. Nelson went to England, and they were Mr. Nelson's oxen. Sworn in Ipswich court, 31 : 1 : 1657.

Joseph Jewett deposed that he gave to Richard Dummer after the rate of ten per cent. for eighty pounds, which said Dummer should use for Mr. Nelson's children for one year. Sworn in Ipswich court, 31 : 1 : 1657.

John Piskard\* and Richard Longhorne\* certified, 12 : 11 : 1656, that the seven acres of meadow at Rowley mill were worth fifteen shillings a year, and the little field by the dam's side at the mill was worth the same when they rented both with the farm. The three acres called Pond field which they hired with the farm, they let for twelve shillings per acre, all the time they had it, which was five years.

"The Testimony of Daniell Elly aged about 23 or 24 years: Concerninge what I [in margin 'London'] remember of M<sup>r</sup> Nelsons estate at either by sight or circumstance, I beinge his seruant I am priuie to some things, as one hogshead of yorkeshire woolen cloath, and the payment for four passengers, and earnest given for some apparrell, and tools for his trade of sope boilinge, and for two feather beds; and I hope he had wherewith to pay for them and likewise at home, some other feather beds fitted, with the prouision for the uoige,

\*Autograph.

and my master liinge some time, before the ship was redy, the hogsheade of cloath was fetched of aboard againe, and ten pounds of the passage payed to my mrs and halfe a passage by one that came hither, and for myself eight pounds :

“ Taken upon oath this 9<sup>th</sup> of the 4<sup>th</sup> month before mr Ri : Bellingha dep<sup>t</sup> gov<sup>r</sup>—1656 — London in the margent was on the oath before my subscription : Ri : Bellingham this beinge a true copy of the original in my hand.”

Richard Longhorne deposed that there were ten oxen left for Mr. Richard Dummer's disposing at Mr. Nelson's when Mrs. Nelson went to England ; which oxen said Dummer took into his possession. Sworn in Ipswich court, 31 : 1 : 1657.

John Pickard and Richard Longhorne deposed that the homefield was let to Ezekiel Northen for twelve shillings an acre a year ; also that fifteen acres of the warehouse lot was let for ten shillings an acre, and the other nine acres for eight shillings. Sworn by John Pickard, 31 : 1 : 1657.

Writ : Philip Nelson v. Mr. Richard Dumer, executor of Mr. Thom. Nelson, dated Mar. 19, 1656-7 ; for giving in a false account of his father's estate at Salem court ; signed by Robert Lord,\* for the court, and served by Edward Browne,\* marshal of Ipswich, Mar. 23, 1656-7.

Answer to Mr. Richard Dummer's objections : That the widow did not have her two hundred pounds which were allowed her, because she had received the whole and given acquittance to Mr. Dummer ; the party being dead, the power of attorney is of no force ; that he was Mr. Nelson's servant, and that Dummer acknowledged the same ; the money was given the widow to build a house, which she never did, therefore neither principal nor profit was due.

Copy of power of attorney, signed by Jone Nelson, of the parish of North-Stoneham, in the county of Southh[ampton], widow of Thomas Nelson, late of Rowly, gent., deceased, appointing her uncle Richard Dumer of Newbery falls in New England, gent., her attorney, to obtain one-third of land, etc., of said Thomas Nelson's estate as dower, and what was bequeathed by will to three of the children of her and her said husband, deceased, viz : Marcy Nelson, John and Samuell Nelson. Dated, Mar. 26, 1650. Wit : Christr. Walleston, mayor of Southton, Roger Poiblsy and Tho. Dumer. Copied from the original, May 2, 1657, by Robert Lord,\* clerk.

Estate of Mr. Thomas Nelson of Rowley, deceased, who left an estate of 1,131li. 15s. 5d : Improvements on the land since 1649 until 1655, for the farm at Rowley, 106li. ; for Mr. Nelson's mill from 1 : 9 : 1650 to end or 7 mo. 1655, 60li. Disbursements : Due to me on a former account, and for journey to England, 21li. 15s. 2d. ; three rates for the mill, 11s. 7d. ; 20 rodd and a halfe of fence, 1li. 1s. ; carriage of timber for the mill, 12s. ; To Mr. Juite for writinge, 4s. ; nailes for the mill, 9s. 4d. ; leutenant Remington for

\*Autograph.

worke at the mill and going to the Bay, 11li. 10s.; to Goodman Pecker for 14 dayes worke about the sellar, 1li. 8s.; Goodman Cousins for mendinge, making bills and other worke about the mill, 1li. 2s.; ninescore foot of board and fetchinge them from Ipswich, 11s.; millstone burs and plaister and bringing them from England, 12li.; bringing said burrs and plaister from Boston to Rowly mill, 2li. 10s.; provision for making the stones, 6s.; paied to Marke Prime for maintaninge the mill damme, 10s.; Francis Parrot, 4s.; marchant Jewet for white leather about the mill, 1s. 4d.; six penny nails and halfe a hundred of clabords at the mill, —; to the smith of Ipswich for boxes for the mill, 10s.; for a rate for the mill to the towne of Rowley, 4s.; Rates, yeare '52 upon the mill, to the church, 2li. 13s. 11d.; hooping the millstones and mending the measure, 6s.; paied to Goodman funnell for making the millstones and for diet and for stronge beare for those that help him, 13li. 6s. 3d.; To Goodman Law for his worke about the stones, 12s.; rate for the towne of Rowley for the mill, 8s. 6d.; To Goodman Prime for helpe about the millstones, 12s.; rate for the church, first month, '53, 9s. 4d.; Marke Prime for maintaning the mill damme, 4 month, '54, 10s.; more lade out to my agent for the getting the mony in England, 11li. 4s.; for writinge about sellinge and letting the mill and time spent, 10s.; 7 month, '54, for a rate for the mill, 5s.; for the maintenance of the widow and sent into England for the children, 69li. 4s. 6d.; for breaking up land in the pond feild to Goodman Boyes, 1li. 6d.; to Richard Longhorne, for 23 rod of five raile fence and carting it, 1li. 14s.; for making and setting up of 92 posts, 1li. 10s. 8d.; for wallinge the sellar, thaching the house and propinge the fence, 1li. 11s. 6d.; for laing out 50 acres of medow and a farme at Crane medow, 2li. 4s. 6d.; recordinge the will in England, 1li.; makinge and mending of mill bills when the stones was made, paid to Rowley smith, 5s. 4d.; for my pains, 6 years, 6li.; total, 165li. 6s. 10d. Legacies paid, 267li. 15s. Remaining to the credit of the estate, 864li. 5d., and which was to be divided into five shares, Philip Nelson to have a double portion. Received of Goodwife Crosse for fence against the home feild of Rowley, 2li. 19s.; for sawmill irons and fencinge of the warehouse lot, 18s. 8d. Copy by Samuel Arohard,\* marshal.

Two-fifths of the Land due to Philip Nelson by will: Two-fifths of personall estate in New England, 255li. 4s. 3d.; fence at the warehouse, 2li.; Goodwife Crosse fence, 2li. 19s.; mony in England, 530li.; rent of the mill one year, 14li.; rent of the farme six years, 126li.; by use of the 530li., 212li.; improvement of 255li. 4s. 3d., 6 years at 5 per cent., abating 46li. in dead goods, 62li. 14s.; profits of money as rents, etc., 22li. 10s.; improvement of money for fences, 7 years, 1li. 15s.; saw mill Irons, 7li.; for a boy out of England, 10li.; total, 494li. 16s. 10d. Ten pounds left by will and improvement, 13li.

\*Autograph.

Received by Mr. Richard Dumer out of Mr. Thomas Nelson's estate from 6: 10: 1645 to last of 7th mo: 1649: For suger, pentados & Cambrick, 1li. 3s. 10d.; ginger & Indico, 1li. 10s. 10d.; received of Mr. Sparhoake, 8li. 11s. 11d.; for a pt. of the vessell woh. was sould, 4li. 10s.; received for the hire of the vessell, 7li. 3s. 3d.; cloath, 4li. 4s.; 6 hatts, 3li. 12s.; received of Maj. Gibings, 12li. 4s.; received of Jeremy Nothend, 12s.; of John New-mash, 1li. 15s.; household stuff to Job Clemens, 9li. 5s. 5d.; house & land to John Palmer, 16li.; for a Cow to Joseph Juitt, 4li. 15s.; a payer of Steeres to John Remington, 10li. 5s.; leather from goodman Reiner, 1li. 10s.; 2 Calves to Mathu Boyse, 1li. 12s.; leather from goodman Parrit, 9s.; Cloath for 3 Cassiks, 16s.; for 2 bushils of pease, 6s. 10d.; Corne from the mill, 2s. 9d.; wheat & Rye, 10li. 15s. 5d.; pease, 1li. 7s.; wheat, 3s. 9d.; Corne, 8li. 14s.; Corne, 1li. 17s.; culd mettle, 4s. 10d.; Corne, 13s.; one black Cloake, 2li.; Corne from the mill, 15s. 3d.; John Dresser, 10s.; swine, 3li. 15s.; Cloath, 5s.; mault, 10s. 6d.; Corne from the mill, 1li. 12s.; toule Corne, 9s. 6d.; the Exchang of Cloath, 7s. 6d.; a hide, 13s. 6d.; Corne, 8s.; hopps & Indian Corne, 7s.; rent of the farme and 6 oxen for one yeare, 20li. 16s. 8d.; Corne, 2li. 15s. 4d.; a Cow, one yeare, 1li. 5s.; Corne for rent, 5li. 16s.; paye of Rich. Clark, 7s. 2d.; a Cow, 4li. 5s.; Isaac Cossens, 1li.; a silver sault sould, 2li.; 6 Coshings, 1li. 10s.; land of Goodman Swan, 2li. 5s. 8d.; received upon account, 8li. 11s. 3d.; a bull, 4li. 13s.; rent for 2 oxen, 2li. 10s.; Goodman Goffe, 3li.; of the miller, 29li. 12s.; rent for land at the mill, 1li.; rent for land, 4li. 10s.; rent for a Cow, 1li. 5s.; for one oxe, 7li. 10s.; rent for Cattle in '48, 2li. 8s.; Rich. Longhorn for rent, 1li. 18s.; Rich. Holmes for rent, 1li. 2s. 6d.; more for rent, 5s. 6d.; Hugh Chaplin, 10s.; James Bayley, 6s.; rent for one cow, 1li. 2s.; for 2 horses sould, 20li.; for haye, 1li. 1s. 6d.; Ezek. Norden for rent, 4li. 1s. 2d.; Willm. Law for rent, 1li.; John Spoffer for rent, 1li. 1s. 4d.; for 2 gates, 3s.; of Ezek. Northren, 3li.; for one oxe, 9li. 10s.; more received for Cattle, 5li. 7s.; by 2 oxen sould, 14li. 10s.

Copy of lease of Richard Dumer of Newbury, gent., to John Pearson of Rowley, carpenter, one-half of the corn-mill of Rowley and one-half of the land belonging to the mill and two cow commonages for ten years; and if either of the stones shall break, except through neglect of the lessee, Dumer is to pay one-half for mending the same; five pounds in corn annually for rent. Dated, 1: 5: 1654. Not signed, but witnessed by Joseph Jewett and William Howard.

Ezekiell Northen deposed that Mr. Richard Dummer told him that Mr. Joseph Jewet and Thomas Barker were willing to allow eight pence a rod for the fence, but nothing for carting it, etc. Sworn before Daniel Denison,\* Mar. 31, 1657.

Marke Prime deposed that the last year before Mr. Nelson went

\*Autograph.

Civil cases :—

John Fuller and Mr. Nathaniell Rogers, assignees of Zerobabell Phillips v. Isaack Comings. Debt.\*

John Fuller v. Isaack Comings. Appeal from judgment of Mr. Symonds.†

away, on an accounting he asked deponent what one-half of the profits of the mill came to for that year and Prime answered sixteen pounds, and agreed to keep it on the same terms for Mr. Richard Dumer, etc. Sworn before Samuel Symonds. Copy by Samuel Archard,‡ marshal, 23 : 4 : 1656.

John Person deposed that for the first quarter of a year after he bought one-half of the mill of Mr. Dumer, he hired Marke Prime to keep her and the profit was 10li. for that quarter. The income for the remaining three quarters was 25li. 14s. Sworn before Samuel Symonds. Copy by Samuel Archard,‡ marshal, 23 : 4 : 1656.

Eze. Norden deposed about a brown ox of Nelson's that was appraised at 9li. ; that he rented the Pond field in Rowley, etc., and Mr. Dumer had hay off of it, etc. Sworn in Ipswich court, 31 : 1 : 1657.

\*Zerobabell Phillips‡ assigned to Mr. Nathaniel Rogers and others a debt due from Isaac Cumings, sr., and a cow in the hands of John Rise of Dedham, as security for said Phillips' appearance at court; dated Oct. —, 1656. Wit : Daniel Denison.‡

Writ : John Fuller and Mr. Nathaniell Rogers, assignee of Zerobabell Phillips v. Isaac Commings; served by Edward Browne,‡ marshal, Mar. 23, 1656-7.

Thomas Averieil deposed that he heard Goodman Cummins acknowledge that he owed 5li. 2s. 6d. to Zerobabell Phillips for his son Isaac, to be paid in wheat.

On 15 : 8 : 1656, Zerobabell Phillips acknowledged that he owed Rob. Crosse, and was to deliver the debt in wheat or barley at Mr. Barthellmne's in Ipswich. Will. Perkins and John Cummins witnessed receipt of Rob. Crosse.‡

Bondsmen of Zerobabell Phillips empowered John Fuller to bring suit for him; signed by Willam Smyth,‡ Nathanel Rogers,‡ Humphrey (his mark) Griffin, John Fuller‡ and John Caldwell;‡ dated, Mar. 30, 1657.

John Cumins deposed that being with John Fuller and the other eight at the house of Zarobabill Phillips, Cumins heard them say that they had appointed his father to pay some money to Mr. Hubbard, etc. Sworn at Ipswich court.

Thomas Averell deposed that before Zerobabell came to answer before Mr. Symonds, Robert Crose met Zerobabell and the latter had given power of attorney to Corporal Androse, etc.

†Reasons of appeal by John Fuller,‡ Mar. 25, 1657. Received by Samuel Symonds.

‡Autograph.

Robert Lord v. James Howe.

Francis Johnson v. Mr. Roger Connatt, Peeter Palfrey and Nath. Pittman. Review of a case tried at Salem in November, 1655. Plaintiff appealed to the next Court of Assistants at Boston; bond, 100li.\*

William Moare, sr., deposed that he had seen ten or twelve of John Fuller's hogs and shoats in the Indian corn of Isaac Cummings, sr. John Fuller's woman servant told him the number.

Isaack Cummings, jr., deposed that his father sent him to tell about the damage.

Richard Nicolls and John Leigh, sr., deposed about hogs in corn. Thomas Preston deposed that he was keeping sheep on the common, and John Fuller's son was keeping his father's swine there. Goodman Cummings' girl told him that Mr. Hubbert's horse had broken down the fence.

Edward Bragg deposed that he had Indian corn, near Goodman Cummings, and in the ground bought of Will. Story toward the forty acres, etc. When the fence was broken by Mr. Hubbert's horse, deponent's wife and children guarded the place and also sent to Goodman Cummings' house and the latter's girl and other children guarded it till night. Also one of his own cows went through Mr. Saltonstall's fence into the corn next the calves' pasture fence, about thirty rods from the corn in question, after wheat harvest.

John Ringe also deposed. Will. Moare and Samuel Podd appraised the corn which was damaged. Ephraim Fellows deposed that going to town he saw cattle near the fence between Goodman Bennett's and Goodman Cummings', and a white horse with them, etc. Widow Haffild deposed that the fence near the gate at Thomas Burnam's was much out of repair. Katherine Brimmengen deposed that her master, John Fuller, had all his hogs yoked and ringed in the spring, etc. Nathaniel Lummax deposed that Fuller's hogs came often to his master Tomson's, etc. Samuel Heires deposed as to what part of the fence was to be maintained by Mr. Rogers, Mrs. Hubbard, Henry Bennett and Goodman Cummings. Thomas Low deposed that John Fuller's wife owned some of the hogs. John Choate, Ralph Dix, Samuel Younglove, jr., and Thomas Low deposed about the hogs.

Copy of town order concerning swine.

\*Copy of record in case of Mr. Roger Conant, Peter Palfrey and Nathaniel Pickman (also Pitman) v. Mr. Francis Johnson. For detaining 141 1-2 pounds of beaver and about the same quantity of otter which he received twenty years since. Dated, 27 : 9 : 1655, Elias Stileman,† clerk.

Declaration of Francis Johnson: About twenty-four or twenty-five years ago there was a co-partnership between Mr. Roger Co-

†Autograph.

nant, Peter Palfry, Anthony Dike and himself for a trade to the eastward, to be managed by him, both buying and selling. At end of three years he sold to Mr. Rich. Foxwell all the interest in the house with the debts due from the Indians, and with swine, boat, skiff, canoe, housall stuff and trading goods, for which he took two bills of debt. He later sold Foxwell a small parcel of goods, making three bills due. Sometime after this, Foxwell sent some beaver and otter by a boat. Two or three years later, Foxwell making no payment, the partners had an accounting and found that twenty-three pounds were due to each partner. For twenty years said Johnson had endeavored to collect the money, but Foxwell either remained silent or affirmed that he was poor and that they could have his two or three children, as he had nothing else. Foxwell came into these parts a year ago and the partners attached him. In the beginning of this winter, one Mr. Richard Tucker brought an order from Mr. Foxwell, asking that the affair be referred to arbitration. Peter Palfrey had lost one of the bills which was much to their disadvantage, and wrote to Nathaniell Pittman, who was Anthony Dike's successor, desiring arbitration, but said Johnson and Conant opposed it. The other three partners went to Boston, put it to arbitration, cancelled all the bills, and discharged said Foxwell. Johnson intended to be there but he was out in a boat and with a contrary wind they were obliged to put into Nantaskett. The next day when he arrived at Boston, he found what had been done, and on the following day his estate was attached, etc.

Two briefs for the court.

Copy of letter from Frances Johnson to Mr. Foxwell, dated at Newtowne, May 6, 1635, copied by Samuel Archard,\* marshal.

" Sir

" I doe admire att this passadge in that you shoulde writt me Concerninge 28½li. of beauer paide M<sup>r</sup> Shartt in full as alsoe a noate under his hande for the discharge of it butt he Cuming heather demands the some of me being disapoynted of the payment by you. now thes are to intreat you that if you haue nott made payment that you woulde do itt for I have Referred hime to you in Regarde of your letter & have put it to your accompt thearfore I praye do nott delle soe ill with me as to disapoynt hime of his beaver thus intreatinge you not to faile me in the discharge of this I Rrest hee needs itt for Englande. if you haue not paide hime 28½li. to make itt so much

" Yours to use

Frances Johnson."

Copy of receipt signed by Mr. Abraham Shartt, merchant, dated June 13, 1635, for beaver, received of Richard Foxwell, for Mr. Johnson. Wit: Robert Knight and James Radestue. Copied by Samuel Archard,\* marshal.

\*Autograph.

Copy of acknowledgment of indebtedness to Francis Johnson and his partners, by Richard Foxwell, merchant, dated July 16, 1633. Wit: Edward Gibones and Elias Mavericke. Copied by Samuel Archard,\* marshal.

Copy of a letter to Mr. Foxwell made by Elias Stileman\* and another copy of the same letter made by Samuell Archard,\* marshal:—

“Salem the 12 of February 1635

“S<sup>r</sup> yours of the 8<sup>th</sup> of decembr p m<sup>r</sup> Richard Tucker, as also beauer and otter the woh had taken wett so that I was forced to take some pains w<sup>th</sup> it, and coming to way it there wanted 3li. in the beauer and so the otter. so that I wonder at your ouersight in the waying or else in your stillyards, intreating you to take more care hearafter. I haue taken your bills of m<sup>r</sup> Allerton but not according to your writing, for unless I would pay him all he would not let me haue them being first in his hand so forced to doe that so that at present we had but 113li. of beauer so would intreat you to make supplie w<sup>th</sup> more so soone as you can for it would be very welcom unto us. for the other we ar not bid above 5s. 3li. but yet keep it for a better market. In your letter you mention the payment of 28li.  $\frac{1}{4}$  of beauer to M<sup>r</sup> Shurt wch was more then his due by the price of 2 hogsheds of salt but I will speake to him about it wondring that you sent not a noat under his hand of the receipt of it, for m<sup>r</sup> Gardner will not accept of it untill a noat from him, so would intreat you to send it by the first, as also would intreat you to pay unto him for the same mans use the some of twenty pounds of beuer the w<sup>ch</sup> I haue promised shall be paid by you there, as also to cleer that bill of 70li. of beuer to m<sup>r</sup> Conit all w<sup>ch</sup> I would intreat you not to faile I would have sent you an accompt of the whole but time will not pmit. concerning your being w<sup>th</sup> me I would be very willing to do you any good that lyes in my power. thus not else at p<sup>r</sup>sent I leave you and your affairs to god, I rest

“Your frend in what I may  
Francis Johnson.”

“pray remember my loue  
to your wife.”

Moses Mavericke testified that Mr. Roger Conantt and partners said in his hearing that there were three bills from Mr. Foxwell delivered to Peter Palfry to keep and said Palfry lost the larger one; also that deponent heard Conantt and Palfry say that they had put all their power into Mr. Johnson's hand and that Anthony Dike was only to sail the vessel and do as Mr. Johnson should tell him. Sworn in Ipswich court, Mar. 25, 1656.

Amos Richardson testified that being chosen arbitrator with Capt. William Hathorne about a business between Francis Johnson, Mr. Conant, Peter Palfery and Nathaniell Pittman, on the one part, and Mr. Richard Foxwell, they found two bills due. Mr.

\*Autograph.



Foxwell's agent had much to say about a promise Johnson had made concerning a house and land which Foxwell had bought of said Johnson under hand of the government of the Bay. Sworn, 24 : 1 : 1655-6, before Natha. Duncan,\* commissioner.

Richard Collicutt, aged fifty-two years, testified that about January last he heard Mr. Rich. Foxwell say that many years since he bought a plantation and trading house at the eastward of Mr. Francis Johnson of Marblehead, etc.; and having no confirmation from the government which Johnson had promised him, the French had dispossessed him of said house and lands. Sworn, 21 : 1 : 1655-6, before Edward Tynge,\* commissioner.

Georg Tayler deposed that about eighteen years ago, he lived with Mr. Cleeves in Casco bay, and Mr. Richard Taker and he were going "Bostontown warde," and at Sako they met with Mr. Richard Foxwell. He desired them to carry some beaver and otter for him to Mr. Francis Johnson, and they delivered it to him in the Bay. Sworn, June 18, 1654, before John West and Robertt Booth, commissioners of Saco. Copy by Samuel Archard,\* marshal.

Samuell Archer testified about the same as Moses Maverick. Sworn, 22 : 1 : 1655-6, before William Browne,\* commissioner.

Mr. Richard Tucker deposed that about a fortnight since he met Mr. Francis Johnson of Marblehead at Bostown, and he had some order from Mr. Richards of Blue Poynt near Sacoe to end the differences between him and Mr. Foxwell. Sworn, 20 : 9 : 1655, before Mr. Richard Parker, commissioner. Copy by Elias Stileman,\* clerk.

Lott Conant testified that about seven years since, he was going to the eastward, and was desired by Nathaniell Pickman to carry a letter to Mr. Richard Foxwell of Blue Poynt; that after said Foxwell read it, he said he owed said Pickman nothing, but what he owed was to Mr. Johnson and Anthony Dike, and that it was for goods he had of them at the trading house. Sworn, 14 : 1 : 1654, before John Endeocott, Dep. Gov. Copy by Elias Stileman,\* clerk.

Richard Foxwell, by his bill made July 16, 1633, was indebted to Francis Johnson and partners for 125li., etc.

Acknowledgment of indebtedness by Richard Foxwell, merchant, Sept. 14, 1634, to Francis Johnson and his partners. Copy by Samuel Archard,\* marshal.

Tabitha Pittman testified that at her husband Dike's last going away from her when he was taken away at Cape Cod by the hard winter, the last words he spoke were "wife when thee hast paid Peter Palfry such a some, (but at psent I know not the some) then there is due to thee from Richard Foxwell one of the bills three and twentie pounds," etc. Sworn, 30 : 1 : 1657, before Edmond Batter,\* commissioner.

\*Autograph.

John Severns v. Job Nesetance. Debt.\*

Willm. Thomas v. Thomas Seers. Concerning an acre of land bought of said Seers, who refused to deliver it. Withdrawn.

Town of Ipswich v. Isaack Coussens. For bringing an old woman and leaving her in the town without providing for her. Continued for advise of the General Court.

Thomas Davis v. Benjamin Swett. For taking away plaintiff's servant, Stephen Dow. Court ordered that the boy be returned.

Lott Conant deposed that his father went to Boston concerning the arbitration, which he opposed. Sworn, 24: 1: 1655-6, before Moses Mavericke,† commissioner.

Saml. Archard, marshal, deposed in Ipswich court, Apr. 2, 1657, that Mr. Johnson agreed with Nathaniel Pickman to leave the matter to arbitration.

Richard Tucker deposed that there was a difference between Mr. Francis Johnson of Marblehead, near Salem, and Mr. Richard Foxwell of Blew Point, concerning some beaver and otter, which Mr. Foxwell delivered to him in his boat bound for "the Massachusetts" eighteen or twenty years ago. He delivered them to Mr. Johnson. The skins became wet in the boat and could not be weighed until dry, when the two "fardels" of beaver and otter were found to be three or four pounds short. Sworn, July 1, 1654, before Edw. Richworth, recorder. Copy by Samuel Archard,† marshal.

John Roads and Thomas Ward testified that being at the eastward with Mr. Francis Johnson last October, said Johnson was desirous of going to Blew Poyntt to speak with Mr. Foxwell, but they could not go in on account of the wind. The boat was full of dry fish which might have been damaged. Sworn, 24: 1: 1655-6, before Moses Mavericke,† commissioner.

Dorothy Norice testified that when she was at Marblehead at her brother Johnson's house, about three or four years since, there came a man from the eastward who said to Mr. Johnson that Mr. Foxwell was poor, and had nothing to pay with, unless he took a child or two. Sworn, 22: 1: 1655-6, before William Browne,† commissioner.

\*Bond of Job Neesohtens† and the Sagamore of Agowam (his mark), commonly so called, to John Severns of Salisberry, for eight pounds, that Neesohtens appear at Ipswich court last Tuesday in March, 1657. Wit: Theophilus Wilson.

Statement of Job Neesohtens, as to indebtedness, 19: 5: 1656.

Theophilus Wilson deposed that said Job acknowledged the indebtedness to John Severence in his house. Sworn in Ipswich court, 31: 1: 1657.

†Autograph.

Plaintiff confessed that he was to teach Stephen to read and write and the trade of a stone mason according to the capacity of the boy and the employment of the place where he lived.\*

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\*Bill of charges of Thomas Davis, including two days journey to Newberry and ferriage. Lt. Howard, Hen. St—y, Ez. Northen, Lt. Jo. Pike, Rich. Kent.†

Bartholmew Heth, aged forty-one years, deposed that Steven Dow was a very poor and weak creature to look upon and of a very low stature according to the age that he was said to be when he came to live with Thomas Davis; that said Davis never corrected him; that the provision in his house was as good as that of men of his estate; that the boy ate the same kind of food as his master, and that he had clothing to keep him warm. Deponent, being at Newberry with said Davis, heard some discourse between said Davis and the defendant concerning the boy, and Davis asked Swett to prove his title to the boy before indifferent judges. Swett refused to arbitrate it. On coming home from Newberry later they saw said Swett coming home from Haverhill with the boy riding. Sworn before Robert Clements.†

John Williams, sr., deposed that he heard the boy speak well of his master and dame, viz., Thomas Davis and his wife, that they used him well, and that he fared as well as most in the town. She taught him his book, he was warmly dressed, and was not abused. Sometimes the boy ran away without cause, but his master did not beat him for that. Concerning going to the east meadow for hay that winter, the boy went cheerfully along, and when he returned deponent asked him if he were not cold, as it was a cold day, but he laughed and said he was hotter than if he had been around home. This occurred when his master had a sore eye and could not go himself. Sworn before Robert Cl——.

John Bartlett testified that Thomas Dowe, father of Steven Dow, on his return from Haverhill, told deponent that he had left the boy with the plaintiff until he was eighteen years old, to teach him to read and write and the trade of a stone mason, etc. At another time the father said that he would never bind his son to Davis, because the latter was employed so much with other business that he could not teach him the trade, and also because of the child lying abroad some nights. Dow went to Haverhill to take his son, but the terms were so high that he could not consider them.

Richard Littlehale and wife Mary deposed that they saw at Thomas Davis' the kind and tender usage of the boy, like parents. When the boy first went there, about eight and a half years ago, he was a poor, helpless child, of small stature. Sworn before Robert Clement.†

†Autograph.

Mr. John Ward v. John Procktor. For not delivering thirty-five bushels of Indian corn, etc. Withdrawn.

Robert Clement, jr., deposed that he remembered an agreement by Benjamin Swett of Newberry and Thomas Davis of Haverhill, about evidence of their title to the boy. That when Davis sent the boy to Swett, it was only to visit his friends and that there was no intention of delivering him up. Sworn before Robert Clements.\*

Thomas Eyer deposed that a little before Thomas Dow died the latter was at work with deponent, and they had some conversation about his son dwelling at Thomas Davis'. He said he had not bound him to him. Sworn before Robert Clements.\*

Robert Hazeldine deposed that he saw Benjamin Swett bring Steven Dow in deponent's canoe over the river at Haverhill. He asked said Swett where they were going, and the latter answered, "I am going to carry him to ye right owner." Swett helped the boy on his horse and went away. Sworn before Robert Clements.\*

Judith, wife of Samuell Gild, deposed that when the boy came to live with said Davis he was a very weakly child and meanly clothed; and Davis was to have him twelve and a half or thirteen years. Sworn before Robert Clements.\*

Samuel Gild deposed that he first had Steven Dow for a week, but the boy's father wanted Thomas Davis to have the boy, because the latter would take him for half a year less, and so took him there. He was a poor helpless child, likely to be a burden and no benefit, very hard to learn his book, very meanly apparelled, and not able to put on and off his own clothes. Sworn before Robert Clements.\*

Joanna, wife of George Corlis, deposed that it was a good while before the boy could eat his master's food, that is, meat and milk, or drink beer. He said he did not know it was good because he was not used to eating such victuals, but he was accustomed to eat bread and water porridge and drink water. Sworn before Robert Clements.\*

Steven Swett deposed that at the ordinary in Newbery he heard Benjamin Swett demand of Thomas Daves of Haverhill whether he would deliver the boy to his mother, in whose behalf Swett had demanded him before at Haverhill. Benjamin Swett said to Goodman Daves, "You promised mee at Haverhill that you would send downe the boy to his mother at your Returne from Newberry in case you proved not your title to him, which you have not yet done; will you not stand to your pmises." Davis replied that he would not, etc. Sworn, Mar. 31, 1657, before John Pike, commissioner for Newbery. Tristram Coffin, jr., deposed the same.

Phebe Dowe, mother of the boy, testified that Thomas Davis was to teach him the trade of a stone mason, etc. Stephen returned to her

\*Autograph.

John Hathorne, assignee to William Bridgewater v. Edward Hutcheson. For unjustly detaining a ton of bar iron. Verdict for plaintiff, the iron or 30li.\*

house, and there was willing to abide, but said Davis pulled him away with violence, and to their great grief she and her son were parted. Signed by Phebe (her mark) Dowe.

Cristophar Bartlet, aged thirty-three years, deposed that Thomas Dow told him that he had placed his son with Thomas Davis till he was eighteen years of age, etc.

James Davis, sr., and wife deposed that they were very much troubled when their son-in-law, Samuell Gild, was about taking Steven Dow to be his servant, as he was such a poor, helpless child and likely to be a burden to him and little benefit. Sworn before Robert Clement. †

Ephraim Davis deposed that Thomas Dow said it was much to his joy and comfort that Thomas Davis had taken his son. Sworn before Robert Clements. †

George Corlis deposed that Steven Dow was a very weakly child, and of a low stature, when he came to live with Thomas Davis. Sworn before Robert Clements. †

\*Writ: Mr. Edward Hutchinson, sr. v. William Bridgewater; dated, 24 : 11 : 1656; for tearing out divers leaves from the book, while clerk of the Iron works, and not giving proper credit on accounts; signed by Jonathan Negus, for the court. Served by attachment of bar iron in the hands of Edw. Hutchinson in his warehouse, and three cow hides, delivered to Henry Brigam, by Hugh Deuey, constable of Boston. Copy, by Edward Rawson, † recorder.

Mr. Wm. Bridgewater † assigned to John Hathorne, both in New England, a ton of bar iron, in hands of Mr. Edward Hutchinson of Boston, and Company now of Iron works in New England, Jan. 12, 1656. Wit: Phillip Cromwell † and Samuell Archard. †

James Robisson, aged about thirty-eight years, testified that about three months ago, he helped put the iron into Mr. Hutchinson's warehouse and it was laid separately from the other iron there. Mr. Bridgewater gave him a bill for the labor to Mr. Hutchinson, and the latter paid him. Sworn, 26 : 1 : 1656, before Natha. Duncan, † commissioner.

Antony Hacker, aged forty-eight years, and Samuell Davice, aged thirty-three years, testified about the bar iron, helping to hand it in about three months ago to Mr. Edward Hutchison's warehouse in Boston; Joseph Armitage's boat was cast away and Whitwell brought it ashore in his boat, etc. Sworn, 26 : 1 : 1657, before Natha. Duncan, † commissioner.

Robert Burges, aged about thirty-six years, deposed that he went on Joseph Armitage's boat the last time it left Lynn, before it was

†Autograph.

Mr. William Perkins v. Jacob Towne, in behalf of the town of Topsfield. For detaining his maintenance due to said Perkins for his labors in the ministry. Withdrawn.

Richard Kent v. Lancelott Granger. For not permitting him to take possession of his farm, cattle, etc., and for not performing an award. Houses, farm and cattle to be delivered to the plaintiff within three days, as mentioned in the lease, etc.

Lancelott Granger v. Richard Kent. Replevin. Two cases.\*

cast away, and Mr. William Bridgwater put aboard the bar iron to carry to Boston. That Mr. Olliver Purchis weighed the iron at the iron house for Mr. William Bridgwater, and that John Clarke marked a cross on the bars with a cold chisel; and when the boat was cast away at Pullin Poynt, the iron was placed on the beach by itself, and also in Whitwell's boat it was put uppermost, and landed at Boston wharf. The porters were ordered by Mr. Hutchinson to put it into his house at a small hole. Sworn, Mar. 30, 1657, before Thomas Marshall,† commissioner of Lynn.

Joseph Armitage, aged about fifty-five years, deposed that he heard Olliver Purchis, clerk of the Iron works, say that he had an order from Mr. Edward Hutchinson to deliver to him one and one-half tons of iron. Deponent was at Mr. Hutchinson's house at Boston with Capt. Savag, when John Hathorne demanded the iron, etc. Sworn, 30 : 1 : 1657, before Thomas Marshall,† commissioner of Lynn.

\*Writ: Richard Kent v. Lancelot Granger. On arbitration, to deliver his farm to Richard Kent again; dated, Dec. 23, 1656; signed by Anthony Somerby,† for the court. Served by Robard Coker,† constable of Newbury, by attachment of sixteen cows, four oxen, twenty loads of hay, the barn and house, Dec. 23, 1656, and attachment of two heifers, a bull and steer, 14 : 1 : 1656.

Willm. Howard deposed that he was one of the four arbitrators in the case between these parties, etc. John Chater and Rich. Doole witnessed to the same. Sworn in court, Mar. 31, 1657.

James Brading testified that, Dec. 12, 1656, Richard Kent and his servants went over to his farm and cleaned his cowhouse and at night Kent spoke to one to desire Lancelot Granger to show him how to tie up the cattle. Granger answered "I am a going to my Brother, and I will com backe presently and ty them up for you." When he returned he told Kent that he and his men need not trouble, and so they went away. Shortly after he called to them that there was one cow missing and deponent said he thought she was in the barn. Granger replied "All is well." Richard Kent used his cattle to carry out muck for about nine days. On Dec. 20, 1656, Richard Kent sent over his servants to bring hay for the cattle,

†Autograph.

Thomas Nelson chose, in court, Mr. Joseph Jewett to be his guardian.

The freemen of Manchester fined for not appearing at the last court.

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Mr. Granger refused to let them take away hay, saying that he would not abide by the award of the arbitrators. He bade deponent speak to his uncle, to take away the cattle he had bought of Granger's brother, etc. Sworn in Ipswich court, 31 : 1 : 1657.

Danell Thurston deposed that Mr. Granger told, the next Friday after the award was made, that he had delivered the farm, etc., to his landlord, Richard Kent, and he was to remain in the farm house a short time to thresh out some corn he had in the barn, etc.; that Goodman Gould was engaged in part for what was due Kent, and his father Addoms or Goodman Chater for the rest; Granger further said that if he could not hire a farm that suited him there, he had some thought of going to England, etc. Sworn in Ipswich court, 31 : 1 : 1657.

Award, dated Dec. 10, 1656, by Zacheus Gould,\* Richard Dole,\* and John (his mark) Chater. Wit: Willm. Howard.\* Granger was to pay Kent, 28li. 9s. 6d. in good wheat, at 5s. per bushel.

Original lease of Richard Kent of Newbury, yeoman, to Lancelit Granegert of Newbury, of his great island or farm. The indenture included also the rest of the Islands from Goodale's Island west and southwest, and part of Goodale's Island from the old ditch to the creek, with house and barn and twenty acres of land; also sixteen cows, four oxen, two yokes, two chains, a cart and wheels, plough and rope, at appraisal price. The lease was to hold seven years from Sept. 29, 1654, and Kent was to give Granger a sow and let him a mare for one year, the latter paying a yearly rental of forty-six pounds, in butter and cheese and cattle not over six years old on Sept. 29th and in wheat, barley and Indian corn on Mar. 25th. Kent agreed to pay all rates, and if any cattle died from sickness or falling of a tree, he was to make them good. Granger could take wood sufficient for the farm, was to use the manure on the land and agreed to break up ten or twelve acres more, receiving as compensation the crops for three years. After that he was to pay rent for this land also. The last year Granger was to keep no cattle upon the farm except cows and oxen and his yearlings and calves; and the last winter he was to use the fodder which he threshed from the corn, also to have a lodging in the house. The same privilege Kent was to enjoy the first year. Granger had the cutting of the salt marsh for fodder the summer before he entered, so Kent should have it the last summer. Kent agreed to "make up the house and both the floores & the harth and set it and the barne in good repaire," and if any accident by winds, tempests or

\*Autograph.

Hugh Chapline, deceased, left a will which was not proved within twenty months, and the widow forfeited one hundred pounds by the law.\*

William Chandlour allowed to be a packer at Newbury for searching and packing fish and flesh.

Robert Roberds acknowledged judgment to Mr. William Payne.

George Smith acknowledged judgment to Mr. William Payne.

William Symons acknowledged judgment to Mr. William Payne.

Thomas Robins and Henry Skerry bound for the appearance of Elizabeth Robins when the court shall call for her.

Administration granted to Marke Bachelour on the estate of his father. Referred to Salem court for further orders.

Richard Window released from ordinary training, paying a bushel of corn per annum to the use of the company.

John Roe [of Gloster.—*Waste Book.*], released from ordinary training paying eight shillings per annum to the use of the Company.

Administration upon the estate of Anthony Newhall granted to Richard Hud, to settle it according to an intended will, which he left. Administration bond. Overseers appointed by the court: Matthew Farington, John Fullar and Nathaniell Kertland.†

fire occurred, not due to Granger's negligence, Kent was to bear the loss; dated July 19, 1654. Wit: Nicholas Noyes,† Anthony Somerby‡ and Robert (his mark) Adams.

Another original of the lease, in duplicate, signed by Richard Kent.§

\*The will of Hugh Chaplin of Rowley, dated 15: 1: 1654, proved: "Imprimis for my whole estate is at the desposeng of my beloued wife Elesabeth Chaplin Duringe the time she dus conteneu a widdow provided she dowe nothing in desposing of my estaite with out the Consente | of | Thomas Mighell Maxiemiillian Jewite Thomas Diconson Hew Smith John Pickard But if my wife marrie then my estaite to be desposed of by thes five men afore mensioned as after followeth if my esstaite be fourscore pounds then my wife shall have Thirtie pounds And the riste of my estaite to be devided equalie amongst all my Children Onely my Eldeste sonne John Chaplin shall have thre ponnd more then anie one of my children And my will is that my wife haue thirtie ponndes oute of fourscore poundes and this preporcion to be cepte whether my estaite be more or lesse. Wit: Joseph Jewett‡ and John Pickard.†

†Will of Antony Newhall proved before Thomas Marshall, commissioner, by John Fullar and Mathew Farington: "I will that

‡Autograph.

§Autograph and seal.



John Trumble sworn clerk of the market for Rowley.  
Edward Clarke of Gloster allowed to be clerk of the writs.

my grand child Richard hood shall hau on Ewe lamb att the next Encreast I will that my grand child Elizabeth hood shall haue one Ewe lamb at the next Encreas I doe giue my dafftter mary the third part of the Encreas of my orchard for Seuen years afftter the datt hearof I doe giue my daffter mary that pcall of ground that lys one the other Syde the brook at the north End of my hows lott upon Condittyon that her husiband doe bulld a dwelling hows oppon it I will that my dafftter mary shall hau my fether ¶ bed ¶ afftter my deceas with all things belonging to it only that my Son John shall hau a boulster filled with fethers Theas affowr-sayd legasys I giu my daffter mary for her carfull attendanc of me and great payns she hes bin at with me :

“of the remayning part of my wholl Estatt I doe give my Son John newhall tow parts and to my daffter mary I giue one part deuided to Ech of them accourding to my will as followeth I will that my Son John newhall shall haue my hows and land that I now liue in bounded from the brook att the north End vpp to the land of gorg Frayll at the South End I will that my daffter mary shall hau that lott lying betwixt the land of John hawthorns and John Ramsdell I will that my Son John Shall hau 4 akers of that land that lys by Jonathen hudsons and my dafftter mary tow akers of that land that lys by Jonathan hudsons I will that my Son John shall hau twenty akers of oupland lying oup in the Country

“I will that my daffter mary shall hau ten akers of oupland lying in the Country I will that my Son John shall hau 4 akers of that medow that lys oup in the Country and I will that my daffter mary shall hau tow akers of that medow that lys oupp in the Country I will that my Son John shall hau tow akers of Sallt march lying in the town march att the tow tres and 3 akers att m<sup>r</sup> neadums and on aker Richard mors and on aker lying in the frech march I will that my daffter mary shall ¶ hau ¶ 4 akers of Sallt march lying towards goodman Edmonds in Rumly in the first deuision and tow akers of Sallt march in the last diuysen I will that my Son John newhall shall haue Tow Cows and one oxe I will that my daffter mary shall hau on cow and on stear I giu my Son John 2 Iron potts and a great bras kettell

“I giu to my daffter mary on bras pan I giu to John tow pew-ttur platters and to my daffter mary on platter I giu to my Son on boulster on ould Couerlid and to my daffter mary on pillow I giu to my Son John tow par of potthooks and on pott hanger and one frying pan I giu to my daffter mary on warminge pan I giu my Son ¶ John ¶ on new Couerlide and a brase pott I giue my dauffter mary flocks for a littell bed I giu to my Son John 1 heck-

The constable of Newbury made a motion for a penny in the bushel and demurrage to remain till Mr. Batter be spoken with.

ell and to my daffter mary the dubull heckell I giu to my Son John and my daffter mary the grinston betwixt them So long as it last I will that what So Euer of my Estat y<sup>t</sup> is not yet giuen or yett deuyded shall be giuen tow parts to my Son John and on part to my daffter mary

“Further I will That my Son John newhall and my dafftter mary shall Eche of them hau the produce of Eche others proportions of my Estat whils I liue and accourding to ther Seuerall proportions to mayntain me whils I liue I will that theas Seuerall gifts of my Estat to be ffully Rattyfied and Confermd after my dissceas and not beffore to Eche of them I will: That if my Son John newhall should dye and hau noe Children That then my hows and lands shall return to my daffter mary and her heirs I will That Nathaniel Kertland and Mathuw Farrington and John Fuller be ouersears of this my last wil & Testyment To wich I wittnes with my hand to be my true and lawffull will. This 14 day of January 1656.” Antony (his mark) Newhall. Wit: John Fuller,\* Thomas (his mark) Couldum, Mathew Farington,\* Nathanill Kirtland\* and Jonathan Hudson.\*

Inventory of estate of Antony Newhall, taken 6 : 12 : 1656, sworn to by Richard Hood, Mar. 31, 1656 : Whearring apparrill, he lying long bedride but small, 2li. ; one great brase kettell, 5s. ; one brasse pane, 15s. ; one littell brass kettell, 5s. ; one brase pott, 10s. ; one warming pan, 4s. ; one skimmor and brass laddell with other ould peases of brass, 2s. ; thre pewttor platters, 10s. 8d. ; one pewtter Candellstick, 1s. 6d. ; ould peases of pewtor, 3s. 4d. ; tow Iron potts, one Iron skillett, Tow par of pott hoks, 18s. 6d. ; tow pare of Iron Racks, on Spit with Sertin peases of ould Iron, 9s. ; two handsaws, one ould wip saw, one squar, tow ould augurs, one ould handsaw, 11s. 6d. ; one Iron punch and one Iron laddell, one Claboad frow, 4s. 6d. ; one Carbyn, one ould Sword, 15s. ; one singull heckell and one dubell heckell, 8s. ; one wyer sife, one ould wyer sife, one hare sife, 6s. ; wouden trays and diches, 2s. 6d. ; one buttur tub, one bear barrill and a kneading troff with other ould Cask, 8s. ; a pare of ould andirons and a frying pane, 6s. ; thre ould bybells and thre other ould books, 17s. ; seven pans of glas, 10s. ; on brase pistell, 8s. ; an ould flaskit, one ould box, 1s. 4d. ; in lead, 3s. ; an ould fether bed and boolster, one pillow and pillow bear, 11l. 18s. ; one ould ruge, one ould blankit, 9s. ; one ould flock bed, an ould boolster, 10s. ; one ould Covelid and tow ould blankit, one fether boolster, one ould fether pellow, one shett, 12s. ; one Joyn bedsted and bed cord and matt, 11l. 8s. ; one Grenston with an Iron —, 12s. ; one Ewe sheap, 11l. 15s. ; one oxe, 5li. ; thre Cows, 10li. 10s. ; one

\*Autograph.

John Stephens admonished for a battery.

The constable of Marblehead fined ten shillings and fees. Mr. Johnson undertook for its payment.

William Young, for contempt of, and slanderous speeches against, authority, to acknowledge his great offence in a public meeting at Andover and be whipped at next court, unless he shall bring a certificate under the hands of six of the principal men of the town to the next court that he had been of good behavior.

John Hathorne fined for disorder in his house, suffering persons to sit tipping in his house and for suffering two persons at several times to be drunk.\*

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steer, 2li. 10s. ; fowr Iron hops for wheals and one Ex, pins, one Ring, 10s. ; one Covered, 1li. 10s. ; one dwelling hows and barne and fiv ackers of land and an orchard att hom, fowr ackers of upland by John hawthorns hows, six ackers of upland lying by Jonathan hudssons, eight ackers of upland lying by the fresh marsh, therty ackers of upland lying oup in the Country, six ackers of Salt marsh lying in the town march, six ackers in Rumly march, one ackers of fresh march in the town, six ackers of fresh march in the Country, due from Edward Richards twenty-five shillings ; whe forbare to put any prise oupon the land or howses and cattell becaus the deceased in his will hath divided them to his tow Children ech one ther partt.

\*Oliver Purchis and George Darline, both at the Iron works, deposed that in February last, 1656, in the moonlight they went to Linne town to the ordinary to see some persons from the Iron works who had been there the whole afternoon before. They found a great store in the house drinking, some being full of drink, particularly Sergeant Eldridge of Maldin, who had been there the greater part of the day before. Darline having occasion to be in the house all night, deposed that Eldridge slept by the fire all night, and if deponent had not been there, his clothes and perhaps himself would have been burned, so full of drink was the Sergeant. In one room was one Muzzy and his wife,—she sitting on one side of the table between two men and her husband on the other side of the table merrily singing to the rest. Katherine Lary, who lived in the house, testified to the same. Allester Munduggle also testified.

Jane Armitage and Thomas Beal, both of Linn, testified that Oliver Purchis, clerk at the Iron works, spoke to Thomas Wiggins, employed at the Iron works, about drinking in Mr. John Hathorne's house on the Lord's day. Sworn, 30: 1: 1657, before Thomas Marshall, † commissioner of Lynn.

†Autograph.

Theophilus Willson, constable [of Ipswich.—*Waste Book.*], to be paid for setting up a fence about the house of correction.

Georg Bunker allowed two shillings and sixpence for his wife's witness fees.

William Browne, for divers miscarriages, to lie in prison one week and be fined twenty marks and pay costs to Thomas Prince, etc.\*

James Axy,† commissioner of Lin, and Bray Wilkins, constable of Lin, testified that Hugh Alley of Lin was taken by said Wilkins about a fortnight before and brought before the commissioners of Lin for being drunk at John Hathorn's, and said Alley acknowledged his offence before said Axy.

Oliver Purohis and Alexander Brabiner testified that Thomas Kelton, a Scotsman, being at a difference with some of the colliers at the Iron works about a bargain, said that the bargain would not hold good because it was made with Henry Tucker on the Sabbath while drinking at Mr. Jno. Hathorn's house. Sworn, 31 : 1 : 1657, before Thomas Marshall,† commissioner of Lynn.

George Darline and wife, Kate, deposed that last winter all one Sabbath day there were several persons sitting and drinking at Mr. Jno. Hathorn's house; that they were there from after morning exercise until people came from the evening exercise. They saw Jno. Divan of the Iron works and Ralph Russell in the house overgone with drink. Mr. Bridgwater also had been seen drunk in the house sometimes. Sworn before Thomas Marshall,† commissioner of Lynn.

Oliver Purohis, clerk at the Iron works, deposed, Mar. 31, 1657, that he has seen several persons in the house of Mr. Jno. Hathorne of Lynn, drinking, and not able to speak or go. He had spoken to Mr. Hathorne about it, and the latter promised to be more careful, but the disorder continued. Sworn in Ipswich court.

\*William Vincent acquainted the court with the practice of William Browne in speaking disgracefully against Mr. Blinman, Mr. P[er]kins and Mr. Millet "for the day before that William Browne frighted Goodman Prince hee sayd mr. Blinman was naught and P[er]kins was starke naught and Millett was worse than Perkins." Edmund Clarke and George Ingersol also heard it. Sworn in court, Apr. 2, 1657.

On Jan. 19, 1656, William Browne was bound in forty pounds, and Samuel Delabar and Richard Beeford with him, to answer at next court at Ipswich for his misdemeanor towards Goodwife Prince, and also bound to good behavior towards Thomas Prince and his wife. Copy made by Daniel Denison.†

Susanner Eveleuth, aged fifty years, deposed that she was at

†Autograph.

Thomas Robins bound to bring his wife, Isbaell Robans, to next court at Salem to answer suspicion against her.

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Goodie Prince's labor with the midwife at the delivery of the child ; it was found dead, apparently having been dead for some time. Sworn to, 30 : 1 : 1657, before Silvester Eveleth and William Vinsson, commissioners for Gloucester..

Grace Duch, Elinor Jo—, Joane Collens and Sarra Vinson deposed that they were with Goodwife Prince when the child was delivered Saturday night. They thought that she would die. They mentioned William Browne's wife, etc. Sworn in Ipswich court, Apr. 2, 1657.

Debrow Skilling, aged thirty-four years, deposed that she came to Goodie Prince's house and found her trembling and shaking, saying that Browne had been there and spoken such words to her "that her time was but short and the deuce would fech her Away speedily," etc. There were about a dozen women there who used all means to save the woman's life. Sworn, 30 : 1 : 1657, before Silvester Eveleth and William Vinson, commissioners of Gloster.

Hanna Verie deposed that she went to Steven Glover's and there was Browne, who told said Glover something about Prince's wife. Sworn before the commissioners of Gloster.

Abigall Sargainte testified, 30 : 1 : 1657, that William Browne and Thomas Prince were at Steven Glover's house, and he said, "Prince, I will go to thy house and tell thy wife that thou art at Steven's kissing of mother Kettell and gammar Sargiant;" and Prince made answer, etc. Steven Glover, aged about thirty years, deposed the same. Sworn before Silvester Evelyth and William Vinsson, commisioners of Gloster.

Sarah Venson testified that Hannah Verrie and Abigall Sargen said in my hearing that they were at Goody Babson's when Goody Prince came in with yarn in her hand, and she began to relate what William Browne said to her, etc. Sworn in Ipswich court, Mar. 31, 1657.

Mary Millett, sr., testified in mother Babson's house, about what William Browne said, etc.

Goodwife Margaret Prince, wife of Thomas Prince of Gloucester, testified that Goodman Browne came into her house and asked her if she had done well to set her hand to that writing, and she told him she thought she had, etc. He called her one of Goodwife Jackson's imps, and that those who set their hands to the writing were going to the devil for a New Year's gift, and that it would be the dearest day's work she ever made. She went out weeping to an ancient woman, her neighbor. She further testified that Browne was the cause of her child's death and her own weakened condition, and that before she was as lusty as any woman in the town. Taken in presence of William Bartholmew\* and William (his mark) Vincent. Sworn in Ipswich court, Apr. 2, 1657.

\*Autograph.

Benjamyn Woodrow confessed that he contrived with Thomas West to run away together, and that he was at the meeting at Jonath. Bullock's house, where there were great quantities of wine and strong liquors drunk in the night to disorder, etc. The court found two burglaries committed by Thomas West, one on the Lord's day. He also stole five bushels of malt, one bushel of wheat, a pistol, and tobacco pipes. Sentenced to be whipped and pay treble

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Her husband, Thomas Prince, also testified. Sworn, Jan. 21, 1656, before Daniel Denison.\*

Wife of Elias Parkman said that she was at Thomas Prince's house, etc. Sworn, 30 : 1 : 1657, before William Stevens\* and Robert Tucker,\* commissioners of Gloster.

Wife of John Kettell testified that she was at the harbor, and saw Goodee Prince come with a pailful of clay on her head, and she went home with her. She told her she did wrong in carrying clay at such a time, but Goody Prince replied that she had to, her husband would not, and her house lay open. She had carried three pails and had three more to carry. Sworn before William Stevens\* and Robert Tucker,\* commissioners of Gloster.

Further complaint of Thomas Prince and his wife against William Browne, being at Steephen Glover's house, etc., as Abigail Sargent testified before.

John Kittell, aged about thirty-two years, testified that he saw Thomas Prince's wife daubing her husband's house two or three weeks before she was in travail with her last child. She reached up over the door to daub with clay. Sworn before William Stevens\* and Robert Tucker,\* commissioners of Gloster.

Wife of Thomas Jons testified, etc. Wife of Richard Window testified that the wife of Thomas Prince hired her daughter for a fortnight to help her when she did lie in, etc. Steephen Glover and Goodie Sargent deposed that William Browne came to Steven Plumer's house and Goodwife Verie came in; Mr. Browne asked Mrs. Verie if she had got her husband's supper, and said that Goodman Vinsun, etc. Sworn, 30 : 1 : 1657, before William Vinson and Sylvester Eveleth, commissioners of Gloster.

Isabell Babson, midwife, aged about eighty years, deposed that she lived near the house of Thomas Prince, and told of what Brown said to Goody Prince, as she told her about the ministers, etc. Mother Babson told her to put it out of her mind as all knew what manner of man Browne was, and upon Goody Prince growing worse, she sent for Grace Duch. Sworn to Mar. 30, 1657.

Abegull, wife of William Seargent, testified that she went to Prince's house, and saw his wife spinning, etc. Hana, wife of Thomas Very, testified that she was at widow Babson's house, etc.

\*Autograph.

price of goods stolen. Bond to appear at next court at Salem or the General Court; Ossmound Traske, surety.

Warrant to be issued against Henry Bulocke of Salem for disorderly meetings in the night at his house by many young persons, when great quantities of wine and strong waters were drunk.

Edmond [Edward.—*Waste Book.*] Bridges fined for lying.

The constable of Manchester fined.

Theophilus Willson, keeper of the prison, to have three pounds a year and five shillings for every person committed into the prison, the prisoners before being released to pay their charges for food and attendance; others to be allowed only bread and water.

[Moses Pengry acknowledged judgment to Isaack Coussen.—*Waste Book.*]

Humphry Griffin fined for unloading barley on the Sabbath day before sunset.

William Tittcombe discharged of his presentment.

Deed of Abraham Whittaker of Haverhill to John Godfry of Andover, binding over a yoke of steers said Whittaker bought of said Godfry, Mar. 10, 1657. Signed also by William (his mark) Symons. Wit: Richard Littlehale and Mary Littlehale. The steers were delivered to John Godfry, Mar. 11, 1657. Wit: Richard Littlehale and Robert Clements.

COURT HELD AT IPSWICH, APR. 9, 1657, BY ADJOURNMENT.

James White, jr., confessed that his father struck him for some fault, and he held up an andiron at him, and when his father asked him what he would do, said he should know by and by, etc. Ordered to be whipped.

Robert Punell fined and ordered to be whipped for lying.

William Linkhorne, for abusive carriages to Rebecka Blake, ordered to be whipped in Rebecca's presence.

John Perley ordered to be whipped or fined for lying.\*

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\*George Abbott, aged about forty years, testified that on Oct. 3 last, John Perley and John How came to Andover, Perley upon a colt and How upon a mare, both apparently tired. Perley said he had bought the colt but lately, and had not fully broken him, but hoped to do it this "voyage."

Mary Holt, aged eighteen years, and Thomas Farnam, aged twenty-four years, testified.

Thomas Farnum, aged about twenty-four years, and Steven

Andrew Creeke fined for lying.

John Chote fined for lying.\*

Bill of charges of Samuell Belcher, John Younglove and Nehemiah Jeuet.

Mordoha Larcum fined for lying.

William Tittcombe fined for lying.†

Osgood, aged about eighteen years, testified that the colt was the bay that Anthony Potter brought from Andover, and that the mare was Goodman Coop's.

Elizabeth Holt, aged twenty years, George Abbott, jr., aged twenty-six years, Henry Ingolls, aged twenty-seven years, and his wife, also testified. All sworn, Nov. 18, 1656, before Simon Bradstreet.‡

Henry Ingolls further deposed that Edw. Bridges came to his house in Andover last winter in the evening, his brother, Hackeliah Bridges, having before brought in a quart pot of strong water. The brothers drank most of it.

Simon Bradstreet‡ wrote that the foregoing was all the testimony he had received, but that some was in the hands of Anthony Potter. Several witnesses desired to be excused for not coming by reason of the shortness of the warning, etc. "I cannot possibly come my selfe in severall respects besydes my wyves illnes I have hurt my legg I cannot draw on a boote. if the Court had been appoynted next weeke I should have indeavored to have attended it, if my wyves condition would haue pmitted it." The letter was addressed to "Goodm Lord att Ipsw<sup>e</sup>h theis dd."

\*Samuell Mighell‡ deposed that in the summer of 1656 he went to Ipswich with John Chote, who said his master, at that time, John Androus, made a fool of Samuel Younglove; and at night said Chote brought Hanna Day and Hanna Portar to Goodman Androus' house, and there they were in his parlor with Goodwife Androues; Thomas Androus, the scholar musician, was there with his music. John Chote held the door to keep out Samuel Younglove, and when they had spent as much of the night as they pleased, the maids were carried home. Also, he said the Major-General was there that night inquiring for a young beast; but he did not stop the merriment. Sworn in Ipswich court, Apr. 9, 1657.

†William Tidcom presented for lying at a general town meeting when they voted for governor. Being deputy and moderator in the meeting, he stood up and said, "I do afirm upon my knoulidg that the Court have made an order that ther shal bee no maier general;" giving as the reason the saving of expense. Also, in the ordinary before many people, he assured them that there was no

‡Autograph.



Hackaliah Bridges fined or to be whipped for lying, and to pay Josias Hubbard for his gloves.\*

Andrew Tarvase and Michael, the Irishman, ordered to acknowledge their offence at the next lecture at Ipswich or pay a fine.

Edmond Bridges fined for writing a note in Rowley meeting house in lecture time to John Tod, for five shillings, in his father's name.†

law about spinning. Again, at Mr. Noices house, Richard Browne told William Tidcom that his brother, Steven Greenlefe, was troubled with the testimony that he gave before the arbitrators. Tidcom affirmed that he signed no writing, notwithstanding Antony Sommarbe wrote the testimony and Tidcom signed it. John Huchen gained several bushels of corn by this testimony. Wit: Richard Browne, Henry Jaquish, John Knight, Captain Gerish, Niclas Noic, Richard Knight, Atony Sommarbe, Henry Lunt and Heu March were the arbitrators.

John Emery, sr.,† John Bartlet,† John Hutchins,† John Rolfe,† John Musselwhit,† John Cheney,† Samuel Plumer,† Richard Dole,† Joseph Plumer,† Nicolas Batt,† Frances Plumer,† Robert Coker,† Archelaus Woodman,† John Mehell,† Christopher Bartlet,† Steven Swett,† William Sayer,† Thomas Blomfeild,† John Emery, jr.,† and John Poor† certified to the court that to their great grief, their neighbor, William Titcomb, was complained of. They testified that they had known him for years, and observed him to be honest and christianlike in his conversation, and not a liar, etc. Sworn in Ipswich court, Apr. 9, 1657.

Henri Jaquis† testified. Sworn Apr. 9, 1657.

Hugh March† also testified concerning the arbitration between Steven Grenlefe and John Huchings.

\*John Younglove and Samuel Belcher deposed that they inquired of Hackaliah Bridges one night that week concerning a pair of gloves with black fringes, which Nehemiah Jewet took from Edmun Bridges, laying claim to in his brother Josiah Hubbard's name, and Hackiliah said that he bought them of John Smith of Rowley for two shillings. Sworn in Ipswich court, Apr. 9, 1657.

†Nathan Parker testified that Edward Brogis, doing some work for him, his father not being at home, said deponent must pay him in wheat next time he went to Ipswich with his cart. He did so, and met Edward Brogis in the street by Goodman Cosens' shop. He said pay it to Goodman Tod of Rowly, etc. Sworn, 9: 2: 1657, before Simon Bradstreet.†

Shoreborne Willson deposed that in the meeting house at Rowley lecture in February last, he saw Ed. Bridges in sermon time get a

†Autograph.

James Barker freed from ordinary training, paying five shillings yearly for the use of the company.

COURT HELD AT IPSWICH, MAY 26, 1657, BY ADJOURNMENT.

In the case of Mr. Richard Dummer of Ipswich v. Phillip Nelson, the words "there children" meant all the children. Plaintiff appealed to next Court of Assistants.

COURT HELD AT SALEM, 30 : 4 : 1657.

Present: Worshipl. Simon Bradstreete, Worshipl. Dan. Dennison, Maj.-Gen. Mr. Sam. Simons and Major Willm. Hathorne.

Jury of trials: Mr. Tho. Gardner, Mr. John Browne, Serg. Tho. Hayle, John Millord, John Raman and Willm. Golt of Salem; Hen. Collins, Garrett Spencer, Jon. Fuller and Robt. Potter of Lynn; Willm. Haskall of Gloster; and Rich. Hutten of Wenham. Left. Lothrop, Mr. Jewett, Rob. Lord and Hum. Woodbery chosen in place of the Lyn jurymen in Tho. Dexter's case.

Robert Ellwell of Gloster sworn constable of Gloucester.

Andrew Mansfield and Richard Blood sworn constables of Linn.

James Axie sworn clerk of the market for Lyn.

Jon. Bartoll fined a noble for absence from the grand jury. He appeared, and fine was abated.

Mr. Zacheus Gold acknowledged judgment to Mr. Hen. Bartholmew.

Wm. Waters of Marblehead appointed administrator of the estate of his father, Stephen Waters, deceased.

piece of paper of Daniell Warner, jr., and write on it, and over his shoulder read these words: "Goodman Tode, I would entreat you;" and he gave it to Tod after the lecture, and said his father sent it. His father denied it later in his shop. Sworn, Apr. 9, 1657, in Ipswich court.

Thomas Varnham, aged twenty-five years, deposed that he heard that Edward Bridges was gone from his master's to Ipswich without his master's consent. He met Bridges going home, and the latter said he had a letter from his father to his master. He showed deponent a letter directed to Mr. Bradstreete. Sworn, Apr. 2, 1657, before Daniel Denison.\*

Samuell Lumas testified the same as Willson. Sworn, Apr. 2, 1657, in Ipswich court.

Danill Warner, jr., deposed about the piece of paper. Sworn, 9: 2: 1657, at Ipswich court.

\*Autograph.

## Civil cases: —

Thomas Dexter v. Thomas Laiton, George Keaser, Robert Coates and Joseph Armytage, for Lynn. About title to Nahant, for trespass by keeping cattle, cutting wood and building houses there, etc. Verdict for defendant. Appealed. Thomas Dexter and Richard Woody, his son-in-law, bound to prosecute appeal.\*

Maj. Willm. Hathorne and Amos Richardson, assignees of Mr. John Giffard v. Roger Tyler. For not satisfying an execution against Joseph James, for which he was security.†

Thomas Gage v. Allen Breede, who married the widow of Will. Knight. About pay for a cow which belonged to said Gage's wife, Joanna, daughter of said Knight.

\*John Ramsdell, aged fifty-five years, deposed that twenty-five years ago, when he was a servant of Captain Torner, his master and other inhabitants of Lynn, before it was a town, fenced in Nahant. That by reason of these householders fencing, they had put their cattle there without molestation all these years. Sworn in Salem court, 30 : 4 : 1657, before Elias Stileman,‡ clerk.

Christopher Linse testified that Thomas Dexter bought Nahant of Black Will or Duke William, and employed him (said Linsee) to fence part of it when he lived with Thomas Dexter. Sworn, 15 : 2 : 1657, before Fra Johnson,‡ commissioner.

John Hedg, aged forty-five years, testified that about twenty-five years since, Mr. Vmphries, who was then his master, with several others of Lynn, "as now is," fenced in Nahant and put in some cattle. Sworn, 27 : 2 : 1657, before Thomas Marshall,‡ commissioner of Lynn.

"The testimonie of william winter Aged 73 years or theirabouts, Testifieth that Black will or duke william soe Called came to my house (w<sup>ch</sup> was two or three miles from Nahant) when Thomas Dexter had bought Nahant of him for a sutt of Cloths, the said Black will Asked me what I would giue him for the Land my house stood vpon, itt beinge his Land and his Fathers wigwame stood theirabouts, James Sogomore & John, & the Sogomor of Agawame & diuers more, And George Sogomor beinge a youth was p'sent all of them acknowledginge Black will to be the Right owner of the Land my house stood one & Sogomor hill & Nahant was all his and further saith not

"This is A Coppie of an oath taken before me Fra. Johnson‡ Commission<sup>r</sup> 15<sup>th</sup> 2<sup>mo</sup> 1657."

†Writ, dated 22 : 4 : 1657; signed by Elias Stileman,‡ for the court; served by Samuel Archard,‡ marshal of Salem. Attached wheat and Indian corn.

‡Autograph.

John Hathorne and Samuell Archard, assignees of Mr. Samll. Bennett v. Mr. Henry Webb. Debt for work at the Iron works in carting coal and mine. Transferred to Ipswich court.

Roger Haskall v. Jacob Barney and Wm. Dodg, attorneys to Garviss Garf -d. For not laying out four score acres of upland according to agreement.\*

Thomas White v. Isaack Cozens. For unjust molestation, in carrying his goods out of his house illegally. Withdrawn.†

John Bradstreete, attorney to Mr. Wm. Stratton, appealed from Marblehead commissioners. Review. Suit against Ed. Pitford.‡

Joseph Armytage v. Edward Richards. About the delivery of a boat, and not paying "old Ward of Boston." Withdrawn.§

Joseph Armytage v. Edward Richards. Defamation. Review of a case tried in 1652.

Joseph Armytage, assignee to Henry Fane v. George Halsoll. Withdrawn.

Elias Stileman, assignee of Rich. Singletary v. Tho. Davis and Robt. Swan. Mr. Juett said that defendant would pay.

Isaack Cozens v. Nathaniell Putnam. Debt. Withdrawn.

Phillip Nelson v. Mr. Rich. Dumer. For the estate of Mr. Thomas Nelson, for the time when he was agent of said Thomas.¶

\*Writ, dated 20 : 4 : 16—, addressed to the marshal of Salem.

†Writ, dated —, served by — Browne, ¶ marshal.

‡Writ: Edward Pittford v. William Stratton, dated July 28, 1656; signed by Fra. Johnson, ¶ for the court; served by Samll. Gatchell, ¶ deputy-constable of Marblehead. Grounds of appeal of Mr. Stratton, made by John Bradstreet, ¶ dated June 23, 1657.

At the arbitration, William Beale's testimony and Edward Pittford's and John Bartol's receipts were presented. Copy of Ed. (his mark) Pitford's receipt from William Beale for amount agreed by arbitrators, Mr. Johnson and John Bartoll, part in money and part in nails, dated, 28 : 11 : 1651. Wit: Nathaniel Pickman and Richard (his mark) Rowland. Copy made by Francis Johnson. ¶

William Beale and John Bradstreete deposed that they heard Edward Pitford say that the work he sued Mr. Stratton for was the first work he did at the mill. Copy of verdict of the commissioners' court, 4 : 7 : 1656, for work done and for fish. Copy made by Francis Johnson. ¶

§Writ, dated 22 : 4 : 1657, served by Samuel Archard, ¶ marshal, who attached house of defendant.

¶Writ: Philip Nelson v. Mr. Richard Dumer, dated, Apr. 21,

¶Autograph.

Mr. Joseph Jewett, guardian to Thom. Nelson v. Mr. Ric. Dumer. For withholding a legacy in the will of his father, Tho. Nelson. Withdrawn.\*

1657; signed by Robert Lord,† for the court; served by Edward Browne,† marshal, by attachment of six horses, black, bay and gray, with marks R. D., two oxen and the salt marsh and fresh meadow known as Verris farm.

John Person deposed that he bought half of the mill of Mr. Dumer and hired Mark Prime to run it. He also deposed that the mill made a profit of ten pounds the first quarter and twenty-five pounds and fourteen shillings for the other three quarters. Sworn before Samuel Symonds,† 23 : 4 : 1656.

Receipt from Ric. Dumer† to Goodwife Crosse for fence at the home field at Rowley, saw mill irons and fencing the warehouse lot. Mark Pryme deposed that before Mr. Thomas Nelson went away he asked said Pryme about the profits of the mill, etc. Sworn before Samuel Symonds,† 23 : 4 : 1656. John Norton† certified on 3 : 31 : 1656, that Mr. Dumer handed the Nelson account to him about May 15, 1656. Edward Woodman† certified, 9 : 4 : 1656, that Mr. Norton desired him to take the latter's place in auditing the accounts and he accordingly went to Mr. Roggers, the other overseer, and perused them. The accounts to be audited by Mr. William Browne, Mr. Edmo. Batter and Mr. Danford.

\*Writ: Mr. Joseph Jewitt of Rowley, guardian of Thomas Nelson of Rowley, son of Mr. Thomas Nelson, deceased v. Mr. Richard Dumer of Ipswich, executor of Mr. Thomas Nelson, deceased, testate; for legacy; dated, June 6, 1657; signed by Samuel Green,† for the court; served by Edward Mitchell,† marshal, by attachment of a house in Wattertown, with the land mostly in Cambridge. Copy of Thomas Nelson's will made by James Chute.†

Copy of inventory of Thomas Nelson taken by Edward Carlton, Sebastian Brigham, Thomas Barker and Joseph Jewett, Feb. 23, 1648, made by James Chute:† His apparel, 3li. 11s. 6d.; his silver plate, 12li. 13s.; the Pewter, 3li. 10s.; one Carpett, 1li.; one long Cushing, 6s.; one Carpett, 17s. 6d.; one Bed teaster & vallance, 17s. 6s.; one peice of stuffe, 10s.; one peice of Stuffe, 5s.; three pillowbers, 7s. 6d.; one Vallance for a Cupboard, 6s.; two Petticoats, 2li. 10s.; one old black Gowne, 10s.; one peice Stuffe, 2li. 10s.; three Sheets, 1li.; three Towells, 10s.; one diap. table Cloth, 6s. 8d.; one bed & a boulder, 2li.; six bedsteeds, 1li. 10s.; one Presse, 10s.; one Chest & two trunks, 1li.; one Costlett, 1li.; one Chest & old Iron, 8s.; eight Casements of Iron, 1li. 14s.; one Jack of Iron, 8s.; thre marking Irons, 1s. 6d.; one Clock, 2li.; one Table & one buffett, 3s.; two hay spades & one hay Crook, one horse Combe, 3s.; one great Copper, 10li.; fowre Sawes, 1li.; two

†Autograph.

Robert Gray v. Abraham Whitehare. Review. Concerning his servant whom he left at Virginia. Withdrawn.

Abraham Whitehaire v. Robert Gray. For leaving his son in Virginia. Withdrawn.

John Todd v. John Fuller. Debt. Withdrawn.

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saddles, 6s. 8d. ; three old sickles, 1s. ; one steele mitt, 1li. ; one grinding ston, two old ropes, 2s. ; one timber Chaine, 17s. ; two Cowlters, two Shares & other old Iron, 1li. 13s. 3d. ; 5 Chaines & one pair of hookes, 1li. ; two waine head yoakes, 5s. ; two sling yoakes, 3s. 4d. ; one Spitt, 3s. 4d. ; two brass potts, 1li. 13s. 4d. ; one dripping pan, 2s. ; two old kettles, 8s. ; one paire of stillyards, 3s. 4d. ; one becken balke, two hayles & two paire tongs, 10s. ; one frying pan, 1s. 4d. ; one brass Candlestick, 8d. ; three waights of lead, 11s. 8d. ; one table & two formes, 3s. ; one matteris, one pillow & other beding, 1li. ; one Chaine, 3s. ; one paire of racks, 14s. ; thre fowleing peeces, one Corbine & two swords, 4li. ; all the bookes, 9li. ; one Cart & two plows, 1li. 3s. 4d. ; two harrows, 16s. ; one ladder & som saw timber, 2s. 6d. ; three Iron Forks, 4s. ; five young Cattell, 2 yeare old, 15li. ; one black Cow, 5li. ; one black heiffer, 00 ; two steers, fower yere old, 10li. ; two steers three yere old, 8li. ; one black heiffer, 3li. 13s. 4d. ; one brown oxe, 9li. ; six oxen, 42li. ; fower Cowes, 17li. ; one bay mare, 12li. ; one sorrild mare & Colt, 12li. ; one mare & Colt, 13li. ; one gray mare, 6li. 13s. 4d. ; one sorrild mare, 8li. ; one water mill & other implements belonging to her & 10 acres of land, 120li. ; one dwelling howse & barne with other howses & one orchyard, 50li. ; All the broken & unbroken upland and meadow lying over against the howse, 55li. ; all the broken up land lying in the warehouse feild, 48li. ; all the upland lying in Sachells meadow, 1li. ; all the upland lying at Sandy Bridge, 1li. ; all the upland lying by the oxe pasture, 8li. ; all the upland lying at Mr. Dumers Farme, 10li. ; all the meadow lying in Satchwells meadow, 15li. ; all the meadow on the south side of Sandy bridge, 9li. ; all the salt marsh lying at Mr. Dumer's Farme, 16li. ; all the rough marsh pt. lying at Mr. Dumer's Farme & pt. at Sandy bridge & pt. Joyning upon the oxe pasture & pt. at the ends of the —, 10li. ; all the meadow lying in the Straits meadow, 1li. 5s. ; all the Comon pasture —, 25li. ; all the upland at the mill, 2li. 10s. ; all the land at the ware house, 10li. ; one brasse mortar & an Iron pestle, 1li. 6s. ; one old bed & other beding, 1li. 13s. 4d. ; one brasse ladle, 1s. ; 2 Acres of upland in manings Farme, 1li. 6s. 8d. ; one pitchforke, 1s. ; one brasse Candlestick, 1s. 4d. ; one planke & a stoole, 5s. 6d. ; total, 53li. 9s. 10d.

Account of estate of Thomas Nelson, lately of Rowley, signed by Ric. Dumer.\*

\*Autograph.

The Worspl. Sam. Simons v. Edw. Browne. Trespass, in entering his house, severing his pewter dishes.\*

Edw. Browne v. George Geedings. Appeal from judgment of Worspl. Sam. Simonds, for severing his pewter dishes and marking them.†

COURT HELD AT SALEM, 1 : 5 : 1657.

The court allowed certain actions commenced at this court by the inhabitants of Ipswich, and which were of unusual importance, to be taken to the General Court. Copy of records of an Ipswich town meeting, Feb. 25, 1655, when 250li. were voted toward building or buying a house for Mr. Cobbitt. The question before the court was whether this vote compelled the opposing faction to contribute.

Henry Rennolds of Salem sworn freeman.

Will‡ of John Pickering proved by Mr. Edm. Batter, John Horne and John Kitchin. The inventory, amounting to 137li. 3s. 2d., was sworn to by the Widow Pickrin and allowed.

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\*Writ, to replevin eight pewter dishes of Mr. Samuel Symonds distrained by Edward Brown; dated, June 22, 1657; signed by Robert Lord,§ for the court; and served by Theophilus Wilson,§ constable.

†Copy of letter, dated Ipswich, 25 : 4 : 1657, from Edward [Browne] addressed to "Brother Archer" concerning the appeal and verdict in the case of pewter dishes.¶

‡Will of John Pickering of Salem, dated 30 : 5 : 1655, was proved 30 : 4 : 1657. He divided his estate into five parts, "vidz : lands houses Cattell houshold goods &c : Ite I bequeath to my son Jn<sup>o</sup> Pickeringe two parts out of my estate as aboue mencianed : at the age of one and twenty years Ite I bequeath to my son Jn<sup>o</sup> than one part and halfe out of the estate of mine as aboue said at the age of twenty one years Ite I bequeath the other pt & halfe to my wife Elizabeth for her mayntenance for her life : puided shée liue vnmarried, & if her part of my estate will not mayntaine her comfortably : that ther shall be an allowance made to her out of my sons pceons accordinge to the pporcon of their legacies But if my said wif Elizabeth shall mary againe her next husband to be bound to returne to my two sons their heirs or admnstro<sup>r</sup> or assignes|| to be equally deuided|| the same pporcon or value of goods or estate, that he : shall haue : with my said wif when he doth mary her : if she die before || him||

§Autograph.

¶This paper is badly torn.

## Civil cases :—

John Rouden v. Wm. Canterbury. Not entered.

Will. Canterbury v. John Rouden. Not entered.

Hen. Cooke v. John Rouden. Not entered.

Anis Chubb and Elizabeth Vinsent fined for fighting, railing and scuffling.

General Court referred the case of Thomas West, concerning burglary and stealing on the Lord's day, to this court, and he was found guilty. It being his first offence, he was ordered to be branded in the forehead with a "B" and have one of his ears cut off.

Mark Bachelour brought in an inventory of his father's and mother's estate, amounting to 84li. 10s. 4d. To be paid to his brother John, under 21 years, and to his sisters, Elizabeth and Hannah, each under eighteen years.

Thomas Robins bound for his wife's appearance to answer to a charge of concealing things stolen by her son. She was fined, and ordered to pay Robt. Lord.

Lidia Norman admonished for being abroad at night where there was feasting and drinking, and for riding behind two fellows at eight o'clock at night without her master's or dame's consent.

County rate on heads and estates to be gathered. Treasurer to pay Mr. Batter his bill.

Willm. Robenson of Salem asked to be relieved from paying 5s. yearly to the military company of Salem. Court remitted it to a bushel of Indian corn. Robenson refused, and chose rather to go eight times into the field yearly and stand sentinel when commanded.

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"Ite I give to my son Jn<sup>o</sup> my musket and Armes compleate and the choise of my foulinge peeces Ite I giue to my son Jn<sup>o</sup>athan my other foulinge gune and my Carbine Lastly my will is y<sup>t</sup> when my Children comes to age to inioye their pcons: y<sup>t</sup>: the increase or losse.y<sup>t</sup> then shall be found to be in my estate more or less then was at my death shall be borne by them, vidz: my wif & Children It I make my beloued wif Elizabeth & my sons John and Jonathan my Executrix & Executors It I apoynte & Desire John Horne and Edmond Batter my ouerseers: to see the ffulfilling of this my Last will and I giue to each of them twenty shillings. John Pickering."\* Wit: Edmond Batter,\* John Horne,\* Francis Lawes\* and John Kitching.\*

\*Autograph.



Christophr. Lynsie of Lynn bound to good behavior for bringing in a false deposition, thereby perjuring himself.

Mr. Edmond Batter freed from the troop, but to bear arms in the foot company of Salem, as formerly.

Mr. Edmond Batter's account as treasurer of the county, accepted.

Alice Bullock, widow, appointed administratrix of the estate of her husband, Hen. Bullock, deceased. Inventory,\* 121li. 2s. The estate given to the son who was under twenty-one years, to the daughter, under eighteen years, and to the widow for the bringing up of the children. The feather bed mentioned in the inventory to be the property of the son after his mother's decease.

Cassandrum, wife of Larrance Sutherick, was admonished for usual absence from meeting.

\*Inventory of the estate of Henry Bullocke, jr., taken by Mr. Thomas Gardiner and Nathaniel Felton, † 10: 10: 1656: The house and outhouses thereto belonging wth. 20 acres of land thereto belonging joyninge unto it and 20 acres in the north feild and 6 acres of meadow bought of Mr. Endeocdt lyinge in the broad meadow against the farme given to Mr. Bishop and a lease of 8 acres for 6 yeares lyinge in the meadow called willeses meadow, £50; 2 stieres, £8; 2 Cowes, £6; 1 heifer, £2. 10s.; 7 loads of hay, £7; 2 sheepe & 2 ewe lambes, £5; 5 younge swine, £1. 16s.; 15 bushels of Indian corne, £1. 17s. 6d.; 1 feather bed and boulster, £3; 1 Rug and 2 blankets, £2; 2 feather pillows, 10s.; 1 flocke bed and bed and boulster, £1; 1 Coverlet & 2 blankets, £1. 10s.; 2 bedsteads, 15s.; Curtaynes & vallons, £1, 10s.; 2 payre of Sheets, 2 pillowbeares & 2 napkins, £1. 10s.; his wearinge apparel, £6; 2 chests, 15s.; 4 chayres, 8s.; a warminge pan, 5s.; 2 muskets, 1 sword, 2 payre of bandeliers, £1. 15s.; 1 brasse kettie, 10s.; 2 Iron pots, 10s.; 2 frying pans, 5s.; Peuter, 10s.; 1 hake, a payre of tongs & a frye pan, a payre of andirons, a spit & 2 skilletts, 13s.; Axes and other workinge tooles, £1; 20 yards of linnen cloth, £1. 10s.; a cradle, 5s.; a pestle and mortar, 2s.; planks, 10s.; hemp and flax, £1; flesh, Butter and cheese, £1; old barreles, tubs and payles, 12s.; old lumber, 10s.; a mare colt, £8; total, £119. 18s. 6d. Estate debtor to Mr. Corwine, £2. 8s.; Mr. Willyam Browne, £1. 15s.; Mr. Cromwell, £1. 8s.; Thomas Rootes, 10s.; the Cow keeper, 10s.; Sam Eburne, 8s.; Ralph Tompkins, 7s.; Willyam Robinson, 4s. 2d.; Richd. Leach, 1s. 4d; Edward Wharton, 12s.; Adam Westgate, 4s.; Widd. Giles, 7s.; Mr. Gardiner, 4s.; total, £8. 18s. 6d. Estate creditor, due from Anthony Nedham, £6; Goodman Herod, 12s.; John Concklinge, £1; John Scot, £2. 10s.; total, £10. 2s.; whole estate, £121 2s.

†Autograph.

John Hathorne of Lyn was admonished for contemptuous words against authority, spoken to Bray Wilkins, constable of Lyn, while executing his office.

Francis Vssellton fined for cursing a swine of Henry Haggett, "A pox a god upon her & the divill take her."

Francis Vssellton fined for taking Ann, wife of Hen. Haggett, by the shoulders and throwing her down, etc.

Arrabella, wife of John Norman, fined for striking the wife of Nicho. Vinson.

Martha Woolfe and Elizabeth Woodbery, presented for fighting together, were discharged.\*

Martha Lemon, daughter of Robt. Lemon, to be fined or whipped for birth of a bastard child. Her mother engaged to pay the fine.

Hugh Alley fined ten shillings for being drunk.

Major Hathorne brought in fines against Edw. Pitford and John Pickworth for being drunk, the former being in Mr. Batter's hands.

Maj. William Hathorne was appointed clerk pro tem, to serve in the absence of the clerk

George Farr of Lyn, witness in case of Tho. Dexter and the town, presented for taking a false oath.

Five shillings to be allowed the servants of the house for their attendance.

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\*Elizabeth Woodberry related that she watched two oxen feeding in her husband's field and fearing that they should go into Peter Woolfe's ground, she went to that side of the lot and sat down. Goody Woolfe came with a stick and said that one of the oxen was feeding on their ground, and struck Mrs. Woodberry with the stick and scratched her. To prevent another stroke, said Elizabeth pushed her away from her, and there being a small bush there, Goody Woolfe stumbled and fell down. Upon getting up again, she attempted to strike deponent with her hand, but the latter went further on her own land. Deponent's face and hand were all bloody. Goody Woolfe said that she thought the devil would take her for lying and that Elizabeth went to the meeting for nothing but to deceive others. The latter went to two brothers of the church and showed them the blood on her face, but they said that the church could not deal with Goody Woolfe because there were no witnesses. Goody Woolfe's husband and son were at home in the lot at the time. Certified to by Zebulon Hill† and John Hill.†

†Autograph.

## COURT HELD AT SALEM, 6: 5: 1657.

George Farr of Lynn recognized to appear at court for taking a false oath.

## COURT HELD AT IPSWICH, 29: 7: 1657.

Judges: Mr. Brodstreet, Mr. Symonds, Major-General Denison, Major Hathorne and Mr. Will. Hubbart.

Jury of trials: Mr. Jo. Appleton, Ensigne Howlett, John Perkins, John Ayres, And. Hodges, Dan. Thurston, John Cheney, Rbt. Addams, John Tod, James Bayley, John Smith and Fran. Pabody.

Grand jury: Joseph Medcalfe, Tho. Tredwell, Phillip Fowlar, Tho. Bishop, Dan. Hovey [John Emery.—*Waste Book.*], Joh. Bartlett, Hen. Lunt, Will Assye, James Barker, Tho. Lever, Tho. Browneing and Robert Barnerd.

Civil cases:—

Mr. Robert Payne, executor to Mr. John Ward v. Anthony Loe, executor to his father, John Loe. Withdrawn.

Richard Kent v. John Cheny. For denying him a way where it was laid out. John Chenye ordered to make the way laid out by the town sufficient, as Mr. Nicolas Noyse and Henry Short should judge, etc.

Lt. John Pyke v. Richard Kent. Trespass. For cutting grass upon his lot at Plumb Island and carrying it away under pretence of trying the title.\*

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\*Richard Dole† testified that he heard Richard Kent acknowledge that his boys had cut grass at Plum Illande, on the seventh lot; that he did it to try the title. Sworn in Ipswich court, 29: 7: 1657.

John Webster testified that being at Plum Illand he saw Richard Kent, Jams Kent, John Kent and Josiah Parker carry the cocks of hay on the seventh lot and stack it on the sixth lot. Sworn, 29: 7: 1657, in Ipswich court.

John Emmerry, sr.† testified that Richard Kent told Lt. John Pike that his boys cut hay, etc. Sworn, 29: 7: 1657, in Ipswich court.

Copy of order of town of Newbury about division of and proprietorship of the commons, May 12, 1641, and Dec. 7, 1642, made by Anthony Somerby.†

Copy of orders of town of Newbury, May 5 and June 25, 1656,

†Autograph.

John West v. John Marshall. Defaulted.

John West v. Thomas White. Debt. Defaulted.

John Smith v. Thomas Perry.

Jonathan Platts v. Thomas Perry. Debt.

Benjamin Baker v. Thomas Wetherell. Debt.

Mr. Stephen Biles v. John Bryden. For withdrawing from the ship to plaintiff's great damage. Ordered to return to the ship.

Mr. Stephen Byles v. Julious Croft. For withdrawing from the ship to plaintiff's great damage. Ordered to return to the ship.\*

Edmond Bridges, jr. v. Mary Quilter. Slander. Withdrawn.

General Court moderated fines of Nicolas Jackson and John Trumble for not proving the wills of their wives' former husbands, Hugh Chaplin and Mighill Hobkinson.

as to division of Plum Island grass. The seventh lot was granted to Lt. John Pike. Copy made by Anthony Somerby.†

The selectmen of Newbury and the three commissioners, with Richard Knight, chosen Mar. 1, 1651, "to stint the common." Copy by Anthony Somerby.†

Copy of record of the General Court, 2 : 3 : 1649, of receipt of petition from Newbery for confirmation of Plumbe Iland to them ; voted that it be divided into five parts, two to Ipswich, two to Newbery, and one to Rowley. Copy by Wm. Torrey,† clerk, 14 : 3 : 1657.

Special verdict: Common land in Plum Iland belonging to Newbery, they found to be divided equally amongst the freeholders. If this were according to law, they find for plaintiff ; if not according to law, for the defendant.

\*Power of attorney from Stephen Biles‡ of London, mariner, commander of ship Eve, of London, to Arnold Elzey of London, merchant, to implead Julius Croofte and Jon. Braiden, both shipped by him as servants and seamen ; dated, Sept. 29, 1657. Wit : John Gedney† and Thomas Cromwell.†

Mate James Mansfield, bouson Roger Trevear, chirurgion John Frewen, gunner Humfrey Seale and carpenter Edmon Fox, certified last of September, 1657, at Salem, that they were shipped at London by Mr. Stephen Bylls, commander of ship Eve, of London, to proceed thence to this country. They were then to proceed to Pharoe or any port in the French king's dominions, and so to return to England. Wit : Edmo. Batter† and John Gedney.†

Deposition of John Fruen that the ship Eve, of London, was bound for New England, and thence for Farough in Portingall or any port in France, and the voyage was known at Boston before the ship came out. Sworn in Ipswich court, 29 : 7 : 1657.

†Autograph.

‡Autograph and seal.

Rebecca Brodstreet chose Joseph Jewett to be her guardian, and he acknowledged that he had received her portion of the estate of her father, Humphry Brodstreet, given to her in his will from her mother, Bridgett Brodstreet, executrix of the will.

Robert Elwell, being attached by Elias Parkman, and the writ not entered, was allowed costs.

John Redington, chosen by Topsfield as clerk of the writs, was confirmed.

William Gibbs, complained of by Myghill Emerson, upon suspicion, denying that he saw a house when it was witnessed by two, to pay charges of the complaint.\*

Margret Scott was appointed administratrix of the estate of her late husband, Thomas Scott.

William Dellow fined for pilfering, etc., and bound to good behavior.†

Edmond Bridges, for fornication, etc., to be severely whipped and bound to good behavior. Mary Browne, for suffering such misdemeanors, to stand by and see him whipped.‡

\*Anne, wife of Francis Tharley, testified that William Gibbs came to their house the day the jacket of Michael Emerson was lost. Gibbs asked her what two houses those were at the foot and the great barn upon the hill, and she told him Goodman Chater's.

Francis Tharley testified the same, etc.§

William Gibbs acknowledged himself bound to appear at next court at Ipswich to answer complaint of Michael Emerson for suspicion of stealing a coat; taken, July 14, 1657. Copy made by Daniel Denison.¶

Examination of Willm. Gibbs: He said he went into a swamp Saturday last, nearly half a mile above Goodman Thirril's, to cut a pole and that he did not see Goodman Chator's barn nor any coat hanging near the barn, and on his return he met four Indians in the path towards Goodman Therril's. Taken by Daniel Denison.¶

†William Dellow acknowledged that he took a beetle and wedges from John Caldwell's, and then denied it.

Robert Collings swore that Will. Dellow denied both forks, but confessed he took one. He confessed also that he took Goodman Symond's plow.

‡Samuel Younglove, aged twenty years, testified that Edmond Bridges was mowing with him, and Bridges told him about his undue relations with Mary Browne and Mary Quilter, and John Allen with Mary Browne; and he had been persuading Thomas Gittins and others, etc. Sworn in Ipswich court, 29: 7: 1657.

§Shorthand on reverse of paper.

¶Autograph.

Hackaliah Bridges to be severely whipped for fornication. Ordered to give bond of good behavior and to lie in prison until he secured bail, to discharge the town about bringing up the child. Mary Quilter to be severely whipped for fornication.\*

Edmond Bridges bound to good behavior, especially towards Mary Quilter.

An Trumble was appointed administratrix of the estate of her late husband, John Trumble. There were eleven children of three marriages. The estate was ordered to be divided, to four of Mighill Hobkinson's, five of John Trumble's before he married her, and two of his and hers, viz.: To Jonathan Hobkinson, 25li.; Jeremiah Hobkinson, 18li.; John Hobkinson, 18li.; Caleb Hobkinson, 18li.; to John Trumble, 15li.; Hannah Trumble, 8li.; Judah Trumble, 8li.; Ruth Trumble, 8li.; Joseph Trumble, 8li.; and to Abigail Trumble and Mary Trumble, children of John and An, 20li. each. The rest of the estate, 55li., was allowed to the widow.†

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Simon Stacey deposed that he met Edmon Bridges on lecture day, and asked him (Bridges) if he had heard of the story around town of him (Bridges) and two wenches. Deponent said he had not. Bridges said he told Samuel Younglove about it, and the simple fool went and told Thomas Fowlar. Bridges confessed it in court.

John Allen deposed that he saw Edmond Bridges at Mr. Hubbard's house two or three times this summer; and saw his unseemly carriage towards Mary Browne, etc.

\*John How deposed that last Michaelmass, going over the new bridge he overtook Hack. Bridges, who asked him to go with him (Bridges) to Mr. Rogers', where he said he had a wench, Mary Quelter, and boasted of his relations with her. How went with him as far as William Avrey's. Then said How left and continued on to his uncle Daves, and Bridges went to Mr. Rogers'. Deponent spoke to him of this business in the prison, and he bade him hold his peace, for he had resolved to deny it, and knew they could not whip him, unless they could prove it, or How confessed. Sworn in Ipswich court, 29 : 7 : 1657.

†Inventory of estate of John Trumble of Bowley, deceased, appraised by Joseph Jewit, Maximilall Jewit, Thomas Dickinson and John Pickerd, sworn to by his widow, Ann Tromble, in Ipswich court, 29 : 7 : 1657 : Hous and barne, gardings, orchards, swamps belowe and all below the house and streett, 26li.; in Bradforth street lots, five acres and a half, 18li.; in Batchelers feild, two acres and a half, 6li.; in the marsh feild comanly called Mr Dumers

Humphrey Griffen allowed to be common packer of beef and pork for Ipswich.

COURT HELD AT IPSWICH, NOV. 19, 1657, BY ADJOURNMENT.

Newbury, presented for defect in highways, being now mended, was discharged.

Ned Acockett, an Indian, acknowledged judgment to Jeremiah Belchar.

Ned Acocket acknowledged judgment to Zacheous Gould.

Reginall Foster and Thomas Emerson of Ipswich made free.

Daniell Wycome fined upon his presentment.

John Chattour to pay fees, etc.\*

farme, meadows & upland, Eight acres, 12li. ; Three cowe Gattes and a quarter, 2li. 3s. 4d. ; his land in the northeast feild, 4 acre and a half, 5li. ; Bought land in batchelders feild, three acre, 9li. ; in land at the new plaine, 8li. ; in meadows, 4 acre, 9li. ; in 4 gates more upon the Commans, 2li. 13s. 4d. ; in corne upon the ground and grass upon the meadows, 14li. 16s. ; one mare and one yearling colt, 20li. ; Three oxen and one sterc, 19li. ; Six coves, 18li. ; one hefer of two yere old, 2li. 10s. ; Two catle that is one yere old, 3li. ; Two calves, 1li. ; in swine, 7li. ; his apparill, 6li. ; in Books, 1li. 6s. 8d. ; in a bearing fuer linen and Three course sheets, 2li. 10s. ; one Bed and bed cloathes thereon, 5li. ; one Rug and one Covering, 1li. 4s. ; in cotten woole, 7li. ; Chists & one trunke, Two hogsheds and kushings, 1li. 11s. ; one halbird, one sword, one pair of Bandelers, 15s. ; more in Beding, one ruge more, 2li. ; one sword more, one fouling peice, with kettls, pots & other small matters, 5li. 6s. ; In pewter, 1li. ; in wooden vessell, 1li. ; in Tools belongin to his traid, 1li. 10s. ; a saddl, Bridle, apannell, with some other small matters, 14s. ; in cart, plow and other Instruments of husbandry, 3li. 10s. ; in cowper wood, 10s. ; in wheat, malt, Indian, with Bags and other imploments, 2li. ; in brick, 4s. ; total, 225li. 17s. 10d. Debts owing: To John Tod, 3li. 16s. 3d. ; to Mr. Joseph Jewit, 1li. ; total, 4li. 16s. 3d.

\*William Morse deposed about John Cheater and the value of the beast, appraised by Anthony Morse and Bengemine Sweate. Deponent persuaded Cheater to give the beast to Mistris Noice.

William Trotter deposed that he was at work at Goodman Cheater's with the latter's man, Francis Waker, and he asked Waker about the beast now in controversy with John Poore, being the same his master had earmarked the year before.

Joseph Noyes† and Roberd (his mark) Saveri deposed that it was Mr. Noyes' steer. Sworn in Ipswich court, 19 : 9 : 1657.

† Autograph.

John Boynton admonished upon his presentment.  
Humphry Griffen fined upon his presentment.

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Peter Godfry\* testified he went to look for a steer that was lost out of Mr. Noyse's herd and found it at John Cheter's with new earmarks. Sworn, 19 : 9 : 1657.

Goodwife Barbara (her mark) Ilsly deposed that twelve months ago when John Chater brought a beast to his father Emery to be killed, etc.

Frances (his mark) Waker deposed that his master Chater branded certain letters, etc.

Nicholas (his mark) Browne, servant to John Chater, testified that the steer came to his master Chater's and he branded him. Sworn in Ipswich court, 19 : 9 : 1657.

Alis, wife of John Chater, deposed.

Nicolas Browne deposed before Francis Thorlla.\*

John Chater's two children deposed that the steer Mrs. Noyes had was one of five cattle brought from Rowly and at first they called him "Wild Rascol," but after he was marked, they called him "Matt." The beast John Pore had was called "Tiger." Deposed before John Emery, jr.\*

Steeven Webster, aged about twenty years, deposed.

Mary Emerry deposed.

Francis Walker deposed before Shubael Dummer\* that the ox Goodman Poore had had no earmark in 1655, and the beast Mr. Noise had was three years old and as large as any his master had, except one of a Dutch breed.

Nicholas Noyes\* and Joseph Noyes\* deposed. Sworn in Ipswich court, 19 : 9 : 1657.

Jeremiah Elsworth\* stated that upon his marriage with Mary Smith, he bound himself to Thomas Dickanson, John Pickard and Deacken Jewett, in the sum of two hundred pounds; bond, dated 26 : 9 : 1657. Wit: Joseph Jewett, Thomas Dickanson and John Tod; conditioned to pay their portions to Hugh Smith's children: viz: Samwell, Mary, Sara, Hannah, Marthay and Edward Smith.

Petition of Peter Harvi,\* Richard Palmer,\* Richard Comer\* and Moses Ebern,\* for the four daughters of Humphrey Gilbert, deceased, and their husbands, Jan. 20, 1657, to appoint the four husbands, the petitioners, administrators on said Gilbert's estate of six acres of fresh meadow. They were appointed.

Vital records of Newbury, Mar. 25, 1656, to Mar. 25, 1657 :—

Peter Godfry married Mary Browne, May 13, 1656.

Samuell Moore married Mary Ilsly, Sept. 12, 1656.

Nathaniell Weare married Elizabeth Swayne, Dec. 3, 1656.

John Roafe married Mary Scullerd, Dec. 4, 1656.

Robert Savory married Mary Mitchell, Dec. 8, 1656.

\*Autograph.



John Tilison sentenced to the house of correction, but released and bound to "good behaviour & to live with his wife & pvyde for her according to his place as a husband ought to doe."

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Thomas Seeres married Mary Hilton, Dec. 11, 1656.  
 Mr. James Noyes died Oct. 22, 1656.  
 Edmund Moores died Nov. 8, 1656.  
 Mary Bolton died Dec. 6, 1656.  
 William Richardson died Mar. 25, 1656.  
 Rebecca, daughter of William Titcomb, born Apr. 1, 1656.  
 Rebecca, daughter of Thomas Blomfeild, born May 4, 1656.  
 Moses, son of Capt. Will. Gerish, born May 9, 1656.  
 Edward, son of Samuell Poore, born May 22, 1656.  
 Elizabeth, daughter of Edward Woodman, jr., born July 11, 1656.  
 Elizabeth, daughter of Francis Tharlay, born June 3, 1656.  
 William, son of William Pilsbury, born July 27, 1656.  
 Benjamin, son of Benjamin Swett, born Aug. 5, 1656.  
 John, son of John Allen, born Aug. 28, 1656.  
 Sara, daughter of Sollomon Keyes, born Aug. 24, 1656.  
 Sara, daughter of Lyonell Worth, born Oct. 12, 1656.  
 Lidia, daughter of John Poore, born Dec. 5, 1656.  
 Hugh, son of Hugh March, born Nov. 3, 1656.  
 Benjamin, son of Joseph Plumer, born Oct. 23, 1656.  
 Jonathan, son of John Bishop, born Jan. 11, 1656.  
 Nicholas, son of Nicholas Wallington, born Jan. 2, 1656.  
 Susanna, daughter of Robert Long, born Nov. 14, 1656.  
 Hanna, daughter of James Mirick, born Feb. 6, 1656.  
 Andrew, son of Peter Godfry, born Mar. 3, 1656.  
 Benjamin, son of Will. Richardson, born Mar. 13, 1656.  
 By Anthony Somerby.\*

Rowley vital records, 1657 :—

Mr. Phillip Nellson married Sariah Jewitt, June 24.  
 John Brocklbank married Sariah Woodman, Sept. 26.  
 Jeremiah Elsworth married Mary Smith, sr., Dec. 2.  
 Nathaniell Elithorp married Mary Batt, Dec. 16.  
 Thomas Teney married widow Elizabeth Parrat, Feb. 24.  
 John Smith married Faith Parrat, sr., Feb. 24.  
 John, son of Thomas Burkbee, buried July 15.  
 John Trumble buried July 18.  
 An, wife of Thomas Teney, buried Sept. 26.  
 Samuell, son of James Bally, buried Nov. 28.  
 Elizabeth, wife of Lt. John Remmington, buried Dec. 24.  
 Thomas, son of Richard Longhorne, born the last of June.  
 Jonathan, son of Thomas Leaver, born Aug. 28.

\*Autograph.

Ned Acockett to be severely whipped, and returned to the house of correction until he give bond of good behavior, and to keep the child. Such security as the magistrates and Mr. Hubart shall see fit.

Sarah Jordon to be severely whipped for misdemeanors.

Thomas Perry testified that he had not concealed any part of his estate and had not enough to satisfy the judgment. Ordered to pay the debt by sevice and to be discharged from prison.

The young men summoned to court about not going to service to appear before the selectmen and abide their order.

**COURT HELD AT SALEM, 24: 9: 1657.**

Daniell Salmon confessed judgment to Tho. Wheeler.

Tho. White confessed judgment to John West.

Present: Worl. Simon Brodstreete, Mr. Simons, Dan. Denison, Major-General, and Maj. Wm. Hathorne.

Grand jury: Jno. Buck, Jno. Simons, Georg Norton and Sam. Corning, all of Salem; Mr. Tho. Layton, Allen Bread, Ric. Johnson and George Tayler, all of Lyn; George Blake of Gloster, in place of Jo. Davis, Rob. Gowen of Wenham; Sam. Freind of Manchester, Jno. Peach, jr., of Marblehead, and Austun Kelum, in place of Robert Gowin.

Jury of trials: Mr. Roger Conant, Walter Price, Robert Lemon,

Mary, daughter of William Law, born Oct. 15.

Timothie, son of John Harris, born Nov. 1.

Robert, son of Robert Hesseltine, born Nov. 7.

Frances, son of John Palmer, born Dec. 4.

Jonathan, son of Lenord Harryman, born Dec. 5.

Thomas, son of Edward Hassen, born Jan. 29.

Ezekiell, son of Richard Lighton, born 8: 12 mo.

Samuel, son of Mr. Sameul Philips, born Mar. 13.

Sariah, daughter of Maxemilian Jewit, born Mar. 17.

Notice of an attachment by Mr. William Payne, assignee of Joseph Armentage, to Nathaniell Boulter, dated Mar. 17, 1657 and signed by Robert Lord.\*

Marye Lynard, aged about thirty-two or thirty-three years, deposed that "Indion haruist Last was seaven year's that Indion Harvist was gathered at the Iron works before John Smith went away from the Iron works." Sworn in court, 25: 9: 1657, by Wm. Hathorne.\*

\*Autograph.

Sam. Gardner, Jno. Putnam and Wm. Dodg, all of Salem; James Axie, Wm. Langley, Jno. Ramsdell, Bray Wilkins and Nath. Kertland, all of Lyn; and Tho. White of Wenham.

James Moulton of Wenham sworn constable of Wenham.

Jno. Devorex sworn constable of Marblehead.

Civil cases :—

Wm. Beale v. Tho. Roulandson. For wrong done his wife under pretence of marriage, taking away her good name, and suing her mother at Hampton court. Appealed to Court of Assistants. Defendant and Jno. Severans bound.\*

Robert Knight v. Robert Hawes. Debt.

Tho. Wheeler, assignee to Left. Marshall v. Joseph Armytage and Tho. Buck. Debt.

Joseph Armytage v. Jno. Mansfeild. For taking insufficient security of Nathl. Chew, when, as constable, defendant attached him. Withdrawn.

Joseph Armytage v. Mrs. Ann Keayne. Debt. Withdrawn.

Jno. Hathorne v. Mr. Oliver Purchis and his wife, Sarah. Defamation. Withdrawn.

Ezekiell Wathen appointed administrator of estate of Thomas Wathen, deceased, and to bring in an inventory.

At his request, the remainder of the fine of Wm. Browne of Gloster was remitted.

Jno. Newman ordered to pay to Marke Quiltor a bill for fees in two actions.

George Farr discharged of his bond.

“ Joseph Redknap is allowed to draw beare at y<sup>e</sup> Spring betweene Salem & Lynn during the pleasure of the Court.”

Edw. Browne v. George Gittin. Case of appeal. Judgment reversed.

“ Arthur Sandie of Marble<sup>d</sup> hath his Licence renewed to keepe an ordinary as formerly.”

Rebecca Yoe appointed administratrix of her husband, Sam Yoe's estate. Inventory, 12li. 10s.

Thomas Roulandson fined for a lie in his oath.

Mrs. Ann Keayne granted five shillings in fees from Jos. Armytage.

Mr. George Emery fined forty shillings for changing a bottle of water of Goody Laskin.

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\*William Beale's bill of costs, 1li. 3s. 6d.

George Keaser fined.

Thomas Couldham fined for misdemeanors.

Sam. Wilkins ordered to appear before Maj. Hathorne to answer his presentment.

Christop. Lysie freed from his bond to keep the peace.

Constable Vnderwood fined for absence from court.

Richard Pitfold, presented for beastiality, the case having been referred from the General Court, was discharged.\*

Ruben Cuppie, for accusing Richard Pitfold of beastiality, which, if it had been true, would have endangered Pitfold's life, was ordered to be whipped twenty stripes. Maj. Hathorn was to see it done.

An illegal will of Agnis Baulch of Salem, deceased, presented. Benjamin Balch appointed administrator.†

Robert Lemon's daughter's fine remitted at his request.

Servants of the house to have five shillings for their attendance.

James Thomas fined for excessive drinking.

Sam. Wilkins fined for swearing by his faith and "Cud's buds."

\*Attested copy made by Edward Rawson,‡ secretary of the Court of Assistants at Boston, dated, Sept. 2, 1657, referring case of Ruben Guppy against Richard Pitford to Salem court.

†Widow Anis Woodbery, Nicholas Patch, her brother and his wife, John Hill‡ and his wife, Abigail Hill, Bachill Rayment, Hanah Woodbery and John Grover‡ testified that they knew Anes Balch more than two years before her death, during her long sickness, and judged that all her estate would not pay Bengeman Balch and his wife for their trouble, labor and charge.

Inventory of estate of Anes Balsh, lately deceased, taken by John Rayment‡ and Henery Hericke,‡ Nov. 25, 1657: One bed and bolster and pilo, £3; two Rugs, £1; one payer of shets, 6s.; one Cot and blancett, £1; 3 Cotes, £1; one waskot and two aprons, 10s.; two shiftes and an aperen and A pocetket hanshercher, 10s.; one pot, a Cetell one Scelet and payll, 8s.; one hat, 8s.; one bibell, one payer stockings, 10s.; one trunk and Chest, 5s.; one warmen pan, 3s., one Carpet and plater, 8s., 11s.; one Chayer, one Crock, one payer beloes, £9. 11s. Benjamin Balch‡ brought in his bill of charges: Attendance for two years, £15. 12s.; for coming to town to Mr. Curwin, £1; at hir buriall for Cofen and Casks and drink, £2; total, £18. 12s.

‡Autograph.

Gregory Caswell bound over for abusive carriage by fighting. Sureties: Chrispr. Codner, Gabrill Collins and Henry Muddle.

Mr. Thomas Laughton, Lt. Tho. Marshall and James Axie sworn commissioners to end small causes at Lyn, before Mr. Billingham.\*

Mr. Edm. Batters of Salem, merchant, being indebted to Peter Hunt of Coffens-well, County Devon, for 18li., Mr. Hunt appointed Francis Simpson of Marblehead to receive it in money or fish, and gave power of attorney to Jno. Goodman and Thomas Clarke on Aug. 26, 1657. Wit: Wm. Rogers and Wm. Pitt. Copy made by Elias Stileman,† clerk.

COURT HELD AT IPSWICH, DEC. 3, 1657.

Humphry Ned's brother John, Old William's son and Jeremy Netecot bound to good behavior of Ned and to pay six pounds yearly towards the keeping of the child as long as the court sees meet.

COURT HELD AT IPSWICH, MAR. 30, 1658.

Judges: Mr. Symon Broadstreet, Mr. Samuella Symonds, Major-General Denison, Maj. Will. Hathorne and Mr. William Hubbard.

Jury of trials: Lt. Samuella Appleton, Serg. Jer. Belcher, William Addams, Jacob Perkins, Reginall Foster, Thomas Smith, Henry Short, Will. Chandlour, Phillip Nelson, William Stickney, John Dressour and Tho. Dorman.

John Hull, returned by constable of Newbury to serve on jury of trials, not appearing, fined ten shillings, which was afterward remitted upon his petition.

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\*Andrew Mansfeild, constable, certified that Mr. Tho. Laughton, Lt. Tho. Marshall and James Axey were chosen commissioners to end small causes in Lynn, by the freeman, 9 mo: 1657.

Presentments to Salem court, 25: 9: 1657:—

Thomas Evorey and Samuella Shaducke, both of Salem, for absenting themselves from public ordinances of God. Wit: John Rucke, George Norton and Samuella Archer of Salem.

Town of Salem for not making their highway sufficient between Lynn and Ipsich near Thomas James' house. Wit: George Norton and Andrew Mansfeild of Lynn.

Signed by Thomas Laughton,† in the name of the rest.

†Autograph.

Henry Short, administrator of Mr. Henry Sewall's estate, ordered to pay witnesses in Mr. Sewall's presentment.

Civil cases :—

Humphry Griffen v. Symon Tompson. Debt. Withdrawn.

William Deane v. Mr. Jonathan Wade. For prosecuting him after the manner of a runaway, the plaintiff being free. Verdict for plaintiff.\*

\*Writ: William Deane v. Jonathan Wade, sr., dated, Mar. 22, 1657; signed by Robert Lord,† for the court; served by attachment of steers, by Edmund Browne,† marshal of Ipswich, Mar. 23, 1657.

Ezekiel Cheever testified that William Deanes came to his house and spoke about reports of Mr. Wade's selling dear; William spoke much in Mr. Wade, his master's, behalf and defence, alleging sundry reasons; he said he saw not how his master could afford to sell things cheaper. His wife testified the same. Sworn in court, 30: 1: 1658.

Ellin Cheever testified that coming with Mr. Bartholomew and Mrs. Wade from Mr. Bartholomew's house, Mrs. Wade told Mr. Bartholomew what a great mercy it was to have such a servant in her house in her husband's absence, how ready and forward he was in that which was good, in asking her children questions out of the scriptures and herself also; which she thought was to see if he could pose her. Mr. Bartholomew wished her by all means to encourage him.

Jon. Wade† of Ipswich appointed his son, Jonathan Wade, his attorney, Dec. 3, 1655. Wit: Samuel Symonds† and Humfry (his mark) Gryffn.

Susanna Wade testified that there being some difference between William Deanes and Jonathan Wade, jr., in the absence of his father, about the time of his service with Mr. Wade; that there was an agreement that William serve two years more, making six years in all. Signed by Susanna Wade† and William Deanes.† Wit: William Goodhue† and Jonathan Wade, jr.†

Ralph Dix spoke to William Goodhue about Wm. Deanes, and testified that William Deanes was charged to lodge out of his master's house whole nights and he found him lodging in the barn, wrapped with a blanket, several times. Sworn in court, 30: 1: 1658.

William Bartholmew† deposed that Mrs. Wade and Jonathan Wade, jr., bought and sold great quantities of goods of several kinds.

William Goodhue, Ralf Dixe and Richard Nycools testified that William Deanes performed his service faithfully, especially since his master went to England. Sworn in court, 30: 1: 1657.

†Autograph.

**Mr. Thomas Millett v. Mr. William Stephens. For withholding**

John Fuler and Thomas Burnham testified that William Deines was a faithful servant, and that his master commended him.

William Goodhue testified that Mr. Rusel approved of the agreement, etc.

Jonathan Wade, jr., reproved William Deines for not putting the doors fast about the English and Indian corn in the barn, by which many swine and some cattle were in the barn in the morning, doing much harm. He wished John Wiggins to fetch the constable to acquaint him, but the constable was not at home. So Jonathan Wade went into the house and the servant followed him. Jonathan had his cane in his hand to go abroad. William Deines stood by the door and took hold of the cane with one hand, and with the other took an axe and held it up against his head or face, with the edge as if he would immediately strike. Jonathan asked him to let the cane go. He replied that he would not. Jonathan twisted it out of his hand, and told William to go about his business. William replied that he would not be commanded by him. Wit: John Wiggins and Prudence Wade. Sworn in court at Ipswich, Mar. 30, 1658.

Prudence and Sary Wade and John Wiggins testified that Deanes stayed out nights and had to get his mistress to let him in; and sometimes he forced open the door and sometimes broke open the window.

Samuel Hunt deposed that he occasionally worked with William Deines, and found him faithful, and whenever he came to deponent's house on business, he dispatched it quickly. Sworn, 30: 1: 1658.

Mrs. Susana Wade told William Deans she could not bear sometimes what he did. He shook his head and knocked his fists together at her, and followed her, saying: "Fy upon thee woman, base liar, O fy, upon the woman, thou art a base liar I will not regard a word you sayest now I see there is no regard of what you sayest more than a straw y<sup>t</sup> is no wonder people say thou usest to defraud and slander thy servant now I se y<sup>t</sup> is trew and I will bring thee before the magistrat before I doe one stroke of worke." Wit: Prudence and Sary Wade. Sworn by the two witnesses in court at Ipswich, Mar. 30, 1658.

Prudence Wade deposed that she heard Deacon Goodhue say to her father that he had no cause to be offended with his son about the making of the writing, for he was persuaded first to put his hand to it.

Sary Wade deposed that she was present when the writing about William Deines was made by Deacon Goodhue, and her brother said it was of no use and he would sign it only as a witness.

\*Autograph.

subscription list of inhabitants of Gloster from plaintiff for payment of his labors among them. Verdict for plaintiff.\*

\*Writ: Mr. Thomas Millett v. Mr. William Stevens; dated, Mar. 5, 1657; signed by Robert Lord,† for the court; served by Robert (his mark) Elwell, constable of Gloster, Mar. 8, 1657.

"The free offer for the presentt maintenance of Brother Millett being faithfull to gitt an Elder: — Row, 10s.; William Vinson, 2li.; Jeferie Personns, 7s.; Osman Duch, 8s.; John Jacksonn, 10s.; John Colings, 16s.; Robert Elwell, —; Thomas Princes, 13s. 4d.; Stephen Glover, 10s.; William Sargent, —; William Browne, 5s.; Ellias Perckman, —; Phines Rider, 12s.; Gorg Engersoll, 16s.; Samuell Dolever, 1li.; Thomas Skilling, 18s.; John Numan, 15s.; Samvell Kennt, 8s.; Thomas Kennt, 8s.; Thomas Perrie, 5s.; John Kettell, 10s.; Thomas Wackly, 1li.; John Davis, 15s.; Silvester Evely, 1li. 10s.; Edward Milles, 10s.; James Stevens, —; John Coyt, 10s.; Thomas Bray, 7s.; Edman Clarck, 8s.; James Babsonn, 10s.; Thomas Judgking, 10s.; Mr. Barthollmu, —; Philip Stainewood, 8s.; Moris Somes, 10s.; Mathew Co, 15s.; Antirm Day, 8s.; John Wackly, 12s.; Gilles Barg, 5s.; Thomas Millett, 8s.; Gorg Blacke, 10s.; Richard Beffer, 6s.; John Perces, 10s.; Thomas Jones, 6s.; Robert Duch, 15s.; William Stevens, 2li. 10s.; Henery Walker, 10s.; Richard Windo, 10s.; William Hackell, 18s.

William Vincent testified that in the town meeting when Mr. Steephens wrote the several sums for Mr. Millett's maintenance, Mr. Millett being sent for, Mr. Steephens told him the amount subscribed was about twenty-six pounds, and that he had a very full and general call to Gloster to preach to them. That several times since, Mr. Millett had been called and desired to continue his preaching, but never to deponent's knowledge anything voted in a public meeting to take him from teaching until another could be obtained. Sworn in Ipswich court, 30 : 1 : 1658.

John Collins, aged about fifty-four years, Thomas Pray, aged about fifty-four years, John Pearst (also Perce), aged about forty years, Robbert Duch, aged about thirty-five years, Morris Somnes, aged about fifty-eight years, Henry Walker,† Thomas Judkin† and James Stevenest† testified that the last of December, 1657, at a general town meeting in Gloster, Mr. Stevens promised to pay Mr. Millett what he had promised him for his maintenance, at the next meeting of the townsmen. Sworn in Ipswich court, 30 : 1 : 1658.

Thomas Jones of Gloster testified that Mr. Steephens asked him to sign a paper, which had several signatures to it, to give Mr. Millett no maintenance. That Mr. Steephens said if they would get a person for an elder, he did not care if the church did not ordain him in seven years.

Mr. Millett's bill of costs, 44s. 10d.

†Autograph.



Richard Kent v. Humphry Griffen. Debt. Withdrawn.

John Haukes v. Mr. Joseph Cooke. Replevin of a colt. Verdict for plaintiff.\*

Peter Cooper v. John How. For riding his mare without his leave. Nonsuited.

John Godfry v. Abraham Whitaker. Debt.†

\*Writ of replevin: for a mare colt of John Haukes attached by Mr. Joseph Cook, now in the hands of Thomas Hartshorne, constable of Redding; dated, 23: 1: 1657-8; signed by Will. Longley,‡ for the court; served by Richard Blood,‡ deputy to Samuel Archer, marshal.

Elizabeth Hearte, aged about thirty-five years, testified that she had known the colt that master Cooke attached and Haukes replevined since it was a fortnight old. Sworn, 27: 1: 1657-8, before Edward Johnson,‡ commissioner of Woburn.

Thomas Clarke, aged about forty years, testified that it was the colt that John Hakes put to Isaack Harte to keep. Sworn, 30: 1: 1658, in Ipswich court.

Addam Hakes, aged about fifty years, deposed that it was the colt he gave to his son, John Hakes. Sworn in court, 30: 1: 1658.

Isack Harte, aged about forty years, and Mathew Edwards, aged twenty-five years, testified that the colt was John Hawkes' of Lynn. Sworn, 29: 1: 1658, before Edward Johnson,‡ commissioner of Woburn.

Thomas Hutchson testified that his father-in-law, Addam Hakes, gave to his son, John Hakes, such a colt, and he put it to Isaac Hearte to keep. Sworn in Ipswich court, Mar. 30, 1658.

William Eaton (also Eton), aged about fifty-four years, and John Eton,‡ aged twenty-two years, testified. Sworn before Edward Johnson,‡ commissioner of Woburn.

‡Writ: John Godfry of Newberry v. Abraham Whitticker; dated, 10: 1: 1657; signed by Richard Littlehale,‡ for the court; and served by attachment of the body of the defendant by John Williams, sr.,‡ constable of Haverhill.

Bond of Abraham Whitticker‡ and Heugh Sherratt‡ of Haverhill to pay John Godfry of Haverhill, rye and wheat, to be delivered at the landing place in Haverhill; dated, Mar. 10, 1655. Wit: Richard Littlehale.‡ Endorsed by John (his mark) Godfry.

Bill of sale, Nov. 26, 1656, John (his mark) Godfry to Abraham Whitticker,‡ both of Haverhill, of a yoke of oxen, to be paid for in wheat at the house of John Davis at Newberry. If Whitticker did not like the oxen when he saw them, he was to be acquitted, paying only for the writing of the paper, and giving said Godfry a quart of wine. Wit: Richard Littlehale‡ and Mary Littlehale.

‡Autograph.

John Godfry v. Hugh Sherratt. Debt. For grain.\*  
Theophilus Willson, constable v. Job Bishop. Appeal from  
judgment of Mr. Samuell Symonds.†

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\*Writ: John Godfry v. Hugh Sherratt; for not paying forty bushels of rye and thirty bushels of wheat, which defendant was bound with Abraham Whitticker to pay to plaintiff; dated, 11: 1: 1657; signed by Richard Littlehale,‡ for the court; served by attachment of the body of the defendant, by John Williams, sr.,‡ constable of Haverhill.

Hugh Sherratt‡ of Haverhill appointed Abraham Whitticker of Haverhill, his attorney, to answer his case against John Godfry at Ipswich court, Mar. 27, 1658. Wit: Richard Littlehale.‡

†Copy of vote at town meeting to pay Major Denison, 24 li. 7s. yearly so long as he shall be their leader, for his military helpfulness, Dec. 19, 1648. A rate was to be levied for the same. Copy made by Robert Lord,‡ and examined by Samuel Symonds,‡ Mar. 9, 1657.

John Choutte testified that upon a training day Sergeant Belcher came to Job Bishop and himself on meeting-house green, and told them that a gift was made to the captain the training day before. Bishop asked them what they would give, saying that his squadron was the best yet. So Bishop told him he would give him five shillings a year so long as he wished, and no longer. Sworn, Mar. 27, 1658. Copy, examined by Samuel Symonds.‡

Job Bishop subscribed to yearly allowance to Major Denison, five shillings.

Writ: Job Bishop v. Theophilus Willson; replevin of corn and malt, distrained by defendant as constable; dated, Mar. 19, 1657; signed by Robert Lord,‡ for the court; served by Edward Browne‡ marshal, Mar. 19, 1657. Copy by Samuel Symonds.‡

The constable was empowered by Daniel Denison, W. Hubbard, Daniell Warner, Thomas Burnam, John Apleton, Robert Lord and Robert Day to gather the rate. Copy.

Jeremiah Belcher testified that the paper his squadron set their hands to was for Denison. Copy, examined by Samuel Symonds,‡ 27: 1: 1658.

The question was whether the town could be bound to pay for any military service, if a majority voted for it, the minority arguing that they could not be held responsible, since the military officers were not chosen by the towns.

Job Bishop said, "meeting with m<sup>r</sup> wilson against m<sup>r</sup> Paynes howse I tould him he sent me a loving message by my brother," etc. That if said Bishop would go with him to the watchhouse, Wilson would lend him enough corn. So they went together, and

‡Autograph.

Thomas Perry acknowledged judgment to Umphry Griffen.

Daniell Clarke acknowledged judgment to Mr. Symon Bradstreet.

Made freemen: John Prockter, William Storye, Robert Kinsman, Robert Crose, Thomas Leigh and John Whipple, all of Ipswich; Robert Barnerd of Andover; and Sam. Brocklebanke and Sam. Platts, both of Rowley.

William Law licensed to keep an ordinary and draw wine and strong waters in Rowley.

Richard Coye is licensed to keep an ordinary and draw wine and strong waters in Wenham.

John Merill, Morice Somes and John Hull released from ordinary training, each paying six shillings per year to the use of the company.

Alester Grymes bound to appear next Salem court.

Jane Powell, confessing fornication, to be severely whipped.

Elizabeth Gilbert appointed administratrix of estate of her husband, Humphry Gilbert, deceased, and was to settle it according to his intended will.\*

between Mr. Wilson's house and the watchhouse, they met with Goodman Johnson, who went as a witness, and Bishop took the corn. Copy by Samuel Symonds.†

Defendant appealed. Reasons of appeal.

\*Copy of will of Humphrey Gilbard of Ipswich, dated, 14: 12: 1657: He bequeathed "vnto my son John all the meddow & Vpland w<sup>h</sup> is my farme one hundred Acors more or less & that this farme be let out or Improued acording To [my] Wifes discretian for the bringing of my child vpp till he come to age; or be able to Improve it him selfe and it is my Will that Twentie pounds be paid out of the Incom of my Farme; To my foure daughters when they are seventeen yeares of age; & in case God take any of them away by death before y<sup>e</sup> age of specied That her portion shall be equally deided To the Rest of the Sisters or if a second or a Third still it come to she That doe survive moreover it is my will that two oxen and tow Cows that I haue now In possession be let oute with the Farme I do also giue vnto my Daughter Abigall one heafer of four years olde I do giue vnto my Loving Wife Elisabeth Gilbard twelue acers of vpland with my dweling House I doe likewise giue vnto my Wife, my Fetherbed with furniture there-vnto belonging It is my will in case my son shall die in his non[age] y<sup>t</sup> w<sup>t</sup> I haue giuen to my son should Bee equally deided amongst

†Autograph.

John Leeds fined for lying.

Hillyard Verren allowed clerk of the writs for Salem.

William Dellow, bound to good behavior, was released.

Hackalia Bridges to pay 2s. 6d. per week for keeping the child since it was born, and in the future till it be brought up.

Nath. Masterson fined for selling beer and victuals without license in his house.

Corp. John Andrew had his license renewed until Salem court.

William Chandlour sworn packer for Newbury.

Deposition of William Vincent, aged about forty-seven years, that the wife of John Goyt, sr., said that there was coming to her husband, from Robert Dutch of Gloucester, twenty or twenty-one pounds for the house and land which were sold in Gloucester, and she intended to make Mr. Prise of Salem, her attorney, etc. Sworn in Ipswich court, Mar. 30, 1658.

Deposition of Grace, wife of Ossmound Dutch of Gloucester, aged forty-two years, that John Goyt, sometime of Gloucester, sold to Robert Dutch, now of Ipswich, the dwelling house and land said John Goyt sometime possessed in Gloucester, and that said John Goyt, when going away in his skiff, etc. Sworn in Ipswich court, Mar. 30, 1658.

Bond of Joseph Jewett of Rowley to John Hull of Newbury, to pay five pounds, which is the portion of Jerimy Goodridge at twenty-one years of age, and five pounds more to said Jerimy as a

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my daughters." Humpherie (his mark) Gi—. Wit: Charles Gott, Thomas Hobes and Richard Hutten. Copy made by John Appleton,\* cleric.

Inventory of estate of Humphrey Gilbert, that had not been willed away before, taken by Phillip Fowler,\* and Capt. Gidney, attorney: One pair of oxen, 12li.; cow, 4li.; cow, 4li. 5s.; 2 year old steers and 1 yerlin, 3li. 5s.; 3 swin, 2li.; 2 pair of shetes, 15s.; 2 napkins, 2 ould Pilloberes, 17s.; 2bolster casis, 6s.; bras skillits and warming pan, 8s. 6d.; spounes, poreng sases, Latin pan, 3s.; 2 iron potes, 1 iron skillit, 17s. 6d.; one pair of tonges, 3s., one musket & sord, prized at 8s., 11s.; Plou & tacklin, 10s.; smuthing iron & erthin ware, 4s. 6d.; 2 chestes & 2 bockes, wooden ware, 1li. 10s.; Boockes, 8s., sheep, 25s., flockbead, 6s., frying pan, 6s., 2li. 2s.; 2 baskites, 4d., 1 glas, 6d., 10d.; 1-2 ferkin, 8d., 1 spad, 14d., small toules, 5s., 8s. 10d.; one coos cut sau, 4s., half a whipsa, 5s., 9s.; 6 acres of meado yet not inuentarid, 18li.; total, 53li. 11d.

\*Autograph.

gift one year after his youngest brother's portion was due ; and unto Joseph Goodridge, ten pounds at twenty-one as above, from his father-in-law, John Hull ; and to Benjamin Goodridge, at twenty-one, three cows, two steers and five pounds in money. Dated, Apr. 1, 1658. Wit: Robert Lord, Thomas Lord and Thomas Wood. Acknowledged in Ipswich court, Mar. 30, 1658.

Mr. Edward Woodman, Nicholas Noyse and William Titcombe of Newbury, sworn commissioners to end small causes.

Henry Kemball licensed to keep an ordinary in Wennam till Salem court.

Thomas Abbott sworn clerk of the band and the market.

Thomas Johnson and his wife, for fornication before marriage, to suffer corporal punishment or pay fine of three pounds. They paid the fine.

Mr. Wade fined five pounds for excessive prices for grindstones and other things. Wit: Rich. Brabrooke and John Fullar.

Mr. Willson allowed three pounds per annum for his care and pains as master of the house of correction.

Jeremiah Belcher licensed to sell strong waters.

Henry Walker freed from ordinary training, paying five shillings a year to the use of the company.

Mr. Willson allowed bill of county charges.

Mr. Baker had his license renewed until Ipswich court in September.

COURT HELD AT IPSWICH, MAY 6, 1658, BY ADJOURNMENT.

William Reiner fined for taking tobacco in the street.

Town of Wennam promised to mend the way, and was discharged of the presentment.

Robert Andrews and John Comings of Topsfield took the oath of fidelity.

Joseph Mussye bound in five pounds to appear at next court for breach of the peace. Tho. Seers appeared as a witness.

All that were licensed to sell strong waters in Salem were continued until Salem court, provided they retail none to be drunk in their houses.

Robert Lord appointed to issue venires for Salem court.

Daniell Davison and his wife to be whipped or pay a fine of four pounds. They paid the fine.

Town of Newbury, for want of "a lattin scoole," to pay five pounds to Ipswich Latin school, unless by the next court they provide a Latin schoolmaster according to law.\*

Frances Jordon and Jerimiah Belchar, in behalf of Nedacockett, agreed that Francis Jordon pay twenty shillings to Jerimiah Bellchar in Nedacockett's behalf.

John Mighill fined for taking tobacco.†

John Smith fined.

An Comings fined for lying.

Mr. Jonathan Wade, George Giddings, Tho. Bishop and John Prockter, who had complained against Mr. Bartholmew, Mr. Robert Payne and Deacon Goodhue, bound to complain at next Ipswich court.

\*Copy of town vote, Nov. 29, 1652, that a schoolhouse be built, and twenty pounds a year be paid for a schoolmaster, and Mr. Woodman, Richard Kent, jr., Lt. Pike and Nicholas Noyes be a committee to manage the business. At a town meeting held May 14, 1653(?), it was voted to levy a rate of 24li. yearly to maintain a free school to be kept at the meeting house, the master to teach all children sent to him as soon as they knew their letters and began to read. Copy made by Anthony Somerby.‡ The following dissented: Lt. John Pik, Richard Tharlay, Tho. Hale, Joseph Plumer, Joseph Muzzy, Sollom. Keyes, John Chater, John Roafe, John Woollcut, John Poore, Sam. Plumer, Dan. Thurston, John Emery, sr., John Emery, jr., Rich. Dole, Will. Hlsly and Lionell Worth.

†Thomas Leaver deposed that on a dry windy day before the snow fell in the beginning of last winter, he went into the yard of widow Mighell and found John Mighell between her house and barn, smoking tobacco near a dung hill full of straw or hay. Deponent blamed him for smoking contrary to law, showed him the danger, and then went away. He said nothing, and when Leaver returned, Mighill was still smoking. Sworn in Ipswich court, May 6, 1658.

Jo. Person testified that he saw the pipe in Mighill's mouth.

The will of John Robinson of Ipswich, wheelwright, dated Feb. 27, 1657, was proved in the Ipswich court, Mar. 30, 1658. He gave to "Alles howlett the wife of thomas howlett Ten pounds I doe likewise giue to thomas howlett Junner my Cheast and all my tools and all the Rest of my Estate I doe giue vnto thomas howlett seaner whome I make my sole Exsecketr." John (his mark) Robinson. Wit: James How† and John How.‡

‡Autograph.

## COURT HELD AT SALEM, JUNE 29, 1658.

Judges: Mr. Symon Brodstreet, Major-General Denison, Major Hathorne and Mr. William Hubard.

Jury of trials: Mr. Thomas Gardener, sr., Jacob Barney, David Corwithy, Richard Moore, Henry Skerry, Ensign Spencer, Seargent Deacon, Ed. Richards, Henry Silsby, Robert Rand, Rich. Kemball and Rich. Window.

Robert Gray fined for not appearing, and fine remitted, "the hand of god hindering him."

Civil cases :—

Mr. John Gifford v. Mr. Henry Webb. For defaming the plaintiff to his principals in England, by writing, rigorous handling, vexing, prosecuting, unjustly molesting and imprisoning him. Verdict for plaintiff.\*

Inventory of estate of John Robinson: Debt of 20li.; debt of 16li.; one oxe, 6li. 10s.; his Tools, 6li. 7s.; his cloathes, 6li. 2s. 6d.; total, 54li. 19s. 4d. Signed by James How.† Due to Ensign Howlett for diet, clothes, attendance and physic, 22li. 16s. 3d. Allowed in court at Ipswich, Mar. 30, 1658.

Writ: John Wooddom v. Humphry Griffin; slander; dated, June 19, 1658; signed by Robert Lord,† for the court; served by Edward Browne,† marshal of Ipswich, 19: 4: 1658.

Writ: Mr. George Corwin v. Humphry Griffin; debt; dated, Apr. 6, 1658; signed by Robert Lord,† for the court; served by Edward Browne,† marshal of Ipswich, 8: 2: 1658.

Writ: Mr. Joseph Jewett v. Humphry Griffin; debt; dated, May 5, 1658; signed by Robert Lord,† for the court; served by Edward Browne,† marshal of Ipswich, May 5, 1658, by attachment of house and orchard of said Griffin.

Writ: Mr. Joseph Jewett v. William Whitridge; debt; dated, May 19, 1658; signed by Robert Lord,† for the court; served by Edward Browne,† marshal of Ipswich, May 20, 1658, by attachment of twelve acres of upland, near the broken up ground of defendant at the Falls, also forty acres which defendant bought of widow Storie and Edward Bragg.

\*Wm. Emery (also Emmorye), aged about 25 years, deposed that on June 10, he was at Mr. Webb's shop in Boston and saw Jno. Blaino deliver to said Webb a letter, which he supposed was sent from Mr. Jno. Giffard. Mr. Webb opened it, read a part and said its statements were false. Blaino said he did not know what agreement had been made between his master and Mr. Webb, but asked

†Autograph.

## Mr. Symon Bradstreet v. Joseph Armitage. Debt.\*

if the latter would provide money, corn and other provisions to be sent in the boat in lieu of the iron to be delivered to said Webb. The latter replied that the bar iron, rod iron and weights sent were nothing to him, for the bar iron was to pay old debts, and the weights were for Mr. Seaverne; Webb said that he was not an agent for the company, but a commissioner and had an interest in the Works, but he would not pay out anything more, let the Works sink or swim; what he had done since Capt. Tinge's decease was done of his free will. That when sufficient iron was delivered to him to discharge his engagements, then he would pay Goodman Williams, and when bar iron should be sent to his particular account, he would furnish Mr. Gifford with money. Webb further said that, since he was a commissioner, he might order Mr. Gifford or cause rod iron to be slit and sent Mr. Foote. Deponent, meeting Jno. Blaino at Mr. Foote's shop some time after, heard Mr. Foote say that he had paid Mr. Webb for all the rod iron delivered since Capt. Tinge's decease. That Mr. Webb further said that Mr. Gifford must go to Boston for supplies for the Works, etc. Sworn, 13: 4: 1653, before Rob. Bridges.†

\*Writ: Simon Bradstreet v. Joseph Armitage; debt; dated, 1: 4 mo: 1658; signed by Samuel Symonds;† and served by Richard Wayte,† marshal, by attachment of defendant's goods in the hands of Mr. Edward Laine. Joseph Armitage† gave bond, 5: 4: 1658, to the marshal.

They settled accounts, Sept. 17, 1652, defendant to pay plaintiff a balance. Wit: Frances Perry.† Acknowledged receipt of plaintiff of forty pounds, on the behalf of the town of Andover, for the mill built by defendant for them there.

Finding by the jury, signed by Increase Nowell. The party to continue in prison. Copy made July 11, 1656, by Robert Lord.†

Bill of charges. Credit, paid by Lt. Marshall, Zacry Phillops, Capt. Savidg and — Jenkes, sr.

"To the worshp<sup>l</sup> Simon Broadstreet thes psent

"S<sup>r</sup> one a message browght by Jos Armitage Fro y<sup>r</sup>self to order me to send you in writeing what I have formarly pd to y<sup>r</sup>self ore ord<sup>r</sup>, on his accompt, y<sup>r</sup> worshipp may pleas to undrstand that 4<sup>th</sup> July in the yeare 1655 I gave you Credibt for six pownds & Charged it to the aboud Jos Armitag, w<sup>ch</sup> was also reckoned when you last made up accompt w<sup>h</sup> me as the accompt doth declare, w<sup>ch</sup> is testiefied, S<sup>r</sup> by y<sup>r</sup> humbl. servant

"Boston 25<sup>th</sup> 4m 1658.

Thomas Savage."†

†Autograph.



Mr. Symon Bradstreet v. Daniell Salmon. Debt.\*

Moses Maverick appointed to marry and take testimony in civil cases in Marblehead for this year.

John Bradstreet, assignee of William Beale v. Mr. William

Thomas Marshall† stated what he paid to plaintiff, dated, 29 : 4 : 1658.

“Joseph Armtage D<sup>r</sup>

	li	s	d
“Imp <sup>r</sup> by the ballance of an acc <sup>t</sup> 17 Ap <sup>l</sup> , 52	3	10	0
It for an oxe to be pd in 4 yeares att 3 <sup>li</sup> ₤ and the last paymt due in decemb <sup>r</sup> 57	12	0	0
for 2 Cowes 2 yeares att 40s ₤ and the last paymt due dec <sup>r</sup> 55	4	0	0
for the hire of two yooke of oxen due in May 55	6	0	0
for damag in keeping & workeing them the spring after their tyme was out & not deliv <sup>r</sup> ing them till the end of Nov <sup>r</sup>	10	0	0
for forbearance & not paying in kinde for the one halfe of weathers & lambs hee sold Zachary Phillips	4	17	0
for the halfe of one weath <sup>r</sup> hee kild	0	8	0
	46	15	0

“Joseph Armitage C<sup>r</sup>

	li.	s	
“Imp <sup>r</sup> by Joseph Jincks as pt of a bill of 3li. 10s.	1	16	0
by Zachery Phillips last sum <sup>r</sup>	9	0	0
by L <sup>t</sup> Marshall if pd	6	0	0
by weath <sup>r</sup> lambs	5	10	0
	22	6	0

“M<sup>r</sup> bradstret by reson of som trobel a bout a boot I could not Com to you this day bot for the 2 oxen which you sould me namly that at basats and that at upelans in cas you send us a not under your hand to reseue: them we haue sent you under our hands what we are to pay you for them.” Letter, dated, Dec. 2, 1653, and signed by Joseph Armtage.†

Agreement of Frances Pery† and Joseph Armtage,† with Simon Bradstreet, concerning the cattle; dated, Dec. 2, 1652. Wit: Tho. Savage.†

\*Writ, dated, 2: 4: 1658; signed by Samuel Symonds,† and served by Ri. Wayte,† marshal; Daniell Salmon† gave bond.

†Autograph.

Payne. For breach of contract concerning the mill at Marblehead. Appealed.\*

Lt. William Howard and Mr. Edmond Batter, sureties on bond of Mr. William Payne, to prosecute his appeal in suit brought by John Brodstreet.

Mr. John Gifford v. Mr. Webb. For unjust molestation. Verdict for plaintiff. †

\*Writ: dated, 9 : 4 : 1658 ; signed by Jonathan Negus, ‡ for the court ; and served by Ri. Wayte, † marshal of Boston, by attachment of defendant's house in Boston. An original summons accompanied it.

Will. Paine † of Boston, appointed William Howard of Boston, his attorney in this action, June 28, 1658.

William Howard deposed that William Beale, sometime miller at the corn mill at Marblehead, said in his hearing that he had worked on the dam to the amount of ten pounds, and that several years ago said Beale came out of Rowley ordinary and spoke with the defendant, who was going by with deponent, towards Newbery, about further repairs to the mill, and Mr. Paine told him to get it done and he would pay for it. Mr. Paine told Beale to get the nails needed from Mr. Russill. That Paine further said, " You know I have had no rent : But follow your busines & be a good husband & I will be helpfull to you." Sworn in court, June 29, 1658.

Mr. Joseph Juitt deposed that he bought one-half of this mill of the defendant, etc. Sworn, June 29, 1658.

John Bradstreet's bill of charge with Mr. William Paine, for going to Boston, etc., 1li. 19s. 1d.

Agreement, July 6, 1652, between Mr. William Paine of Ipswich, merchant, and William Beale, miller, of Marblehead, about the mill and ground belonging to it. Beale was to have the property for the term of seven years and Paine agreed to allow him ten pounds in corn for making the dam sufficient and four pounds in corn for making the house dry, removing the chimney and making the leanto fit to hold corn, said Paine to provide nails. Rent was to be paid by Beale in fish, corn, cattle or money, fourteen pounds yearly. Signed by Will. Paine. † Wit: William Stratton † and Thomas Bues. †

William Beale † assigned the abovesaid lease to his brother-in-law, John Bradstreete, Sept. 3, 1657. Wit: Frances Collinges † and Anne Devorex. †

† Writ: Jno. Giffard v. Mr. Henry Webb ; for vexing, prosecuting and imprisoning him ; dated, June 21, 1658 ; signed by Jonath. Negus, † for the court ; and served by Ri. Wayte, † marshal. Henry Webb † and Edward Hutchinson † bound for the former's appearance.

‡ Autograph.

Letter of Henry Webb addressed "To the wor<sup>sh</sup> M<sup>r</sup> John Beex and the companie of the Iron workes in Bucklersbury march<sup>th</sup> p<sup>r</sup>sents, london. M<sup>r</sup> Robbert Kaen in N. Eng. p Captaine Cuttings master of the John Adventure."

"Boston the 6<sup>th</sup> of 9<sup>ber</sup> 1653.

"Honored Gentlemen,

"We ap<sup>r</sup>hende that y<sup>n</sup> waite for answeres to your last letters and an accompt of our trust requested by y<sup>n</sup> in your orders & instructions last sent us & now ar we sory that these letters of ours should be the messengers of such sad & unhappie tidings to y<sup>n</sup> but that we may not be unfaithfull to y<sup>n</sup> we shall giue y<sup>n</sup> som relations of passages & state herof, your instructions were that we should call M<sup>r</sup> Gifford to accompt that y<sup>n</sup> musst be informed how your affayres stood and that we should satisfie the creditors out of the effects and pduce of your works and so to see the husbanding of future pceedings, first concerning the condition of your works. We still did pseave it was in a sore lanquishing state because we sawe the improvident husbanding of yt & the cariages of him that was intrusted wth yt by former letters we writt to y<sup>n</sup> what depts we found confessed to be owing & what litle substance to satisfie & pay them but when we cam to the upshot we found little or nothing but the bare works & land for accompts.

"Gifford and his confederat, one Jarvis that he hath kept in his howse a long time, one that liue by his witts is on that cost you manie a pownd though very Coverth there trade is to hamer y<sup>n</sup> out accompts & the first accompt was given to Captain Ting about Sept., 1652 & then they made y<sup>n</sup> about 300 or upward in Gifford dept & so Jo. Gifford demandeth his dept of y<sup>r</sup> estate but when he sawe that we w<sup>h</sup>stooide his accompt & made our just exceptions against it for he had charged 500 or upward for Iron delivered to Captain Tinge : but had giuen no Credit for what he had rec<sup>d</sup> of him though to a greate vallew : then we required of him a full & Clere accompt of his Credit & his transaction w<sup>ch</sup> he ptracted a longe time untill Captaine Tinge was dead and we requiringe after his death Giffords accompt & he refused & said untill he had Captain Tinge his accounts he would giue none so m<sup>r</sup> Tings death being suden & his successors being in a distracted condicion could not in a longe time make up & give accompts.

"in the interim John Gifford sueth us at Court for 10000 pownd on accompts so we must attend the courts to answer his suits both spending our peious time & estates, in fine of that court was that John Gifford should giue accompt & Captun Tings & my selfe should giue in accompts & be brought at such a set time & auditors apoynte to audit them. at w<sup>ch</sup> time the accompts wer brought in and our accompts were dd. both cred. & debitor & when his accompt was brought his was impfect because he left manie blankes in his somes but divers accompts mencioned but no sum, & besides

no Credit at all. so that we required of him to fill up his blanck & to acknowledge & set downe what Credit he gaue both to Awbry & the rest & so he taketh them & keepeth them about Fortnight & filleth his blancks with about the sum of 50 and then bringeth a nother accompt of 230<sup>u</sup> & upwards all w<sup>ch</sup> accompt he brought to the sum of 16284li. 7s. 4d. & so made y<sup>n</sup> depter on the ballance of his accompt 702li. 1s. 6, but y<sup>n</sup> must take notice that he giveth to Awbry what Credit he pleaseth & so to Captane Tinge & my selfe so likewise denyinge what we shall pve dd. to him: so we expect the auditing his accompts. but he cometh not to his auditor to speake w<sup>th</sup> him a longe time though I expectd y<sup>t</sup> & spake w<sup>th</sup> him thereabouts.

" he told me m<sup>r</sup> Gifford never spake to him since he dd. us the account to puse & to make our exceptions for it was ordered that we should have his accompts to puse som fortnight time or upward that we might ppare our exceptions but now p<sup>r</sup>sently before he spake to us or brought his accompts to be audited he attacheth your estate and pecuteth a suite against y<sup>n</sup> for 3000 at Ipswich Courte and summoneth me to answer his action in your behaulfe and never giueth anie of us his accompt nor sheweth us what his demands ar: so when I appeared at the courte he put in his declerac<sup>o</sup> & p<sup>r</sup>senteth his accompt w<sup>ch</sup> was for the balance of his former accompt and other his disbursmt as p<sup>r</sup>tended, to the sume of 2065li. 15s. 11 due to himselfe & som workmen & he wayveing his former ballance of 702li. swereth to his accompt & had a verdict against y<sup>n</sup> for 1363. 14. 5 though the Jury did cauteously suspend ani execution untill auditinge.

" so about three weeks after that court neglectinge or not caring for auditinge his accompts but purposing a secret wile subtell plott had gotten a Speciall Court to be called and held at Salem w<sup>ch</sup> was the 25 of october last & there rested us, pticularly the comisioners for 2000li. to answer his suite against us: as also again rested or attached estate || of m<sup>r</sup> John Bexs & company || for 2000li. as I remember for sallery & other disbursment due to him. so we must then to Salem Court & there spend manie dayes to defend your cause and since we overthrew the legallitie of that speciall courte & so nothing was don but spent much time & monie on charges & witnesses but now understanding the wiles of Gifford his intent was amongst others things to get his execution w<sup>ch</sup> in the former courte was given against your state & get what he could or so to be gon as he p<sup>r</sup>tended fo<sup>r</sup> England: but now at that court arested him for an accompt & breach of Coven<sup>t</sup> for 25000li. & a nother action for a pticular accompt of all Iron cast wares sowe Iron run & cast & made since he came to the works & for breach of Coven<sup>t</sup> for not giving accompts accordg to articles of agremt. w<sup>ch</sup> actions were psecuted & manie dayes spent & manie witnesses therin & the jury findeth the breach of coven<sup>t</sup> but cannot agree about the damages untill the accompts be audited & auditors ar apoynted therefore w<sup>ch</sup> cannot be don before these ships be gon:

“an further verdict is that he shall bring in all his bookes to court or auditor generall for the country w<sup>ch</sup> openly Pressed in Court he would not do. but would rather ly in prison 100 yere if he did lue so longe : & so now he is in prison but what the ysues therof will be I doe not yet know. the books if could be gotten I meane his orignall day book & accompt w<sup>th</sup> workmen would discover much of his underhand dealing. if I should but writ & declare his carriages not only to court to us the commissioners & to the pore workmen : it must not be a letter but a volum. to contane I will not here relate the complt of workmen against him for not giuing them pticular accompt of his paym<sup>t</sup> to them not rekonig w<sup>th</sup> them but once or scarce twice in a yeere his beatinge of som on the high wayes in there houses his selling your estate for oxen sheepe Cowes horses & all these John Gifford teemes & Cowes his trafficking of your state by sea here & there. his underhand trading for tobacco 27 hogshead at on time lately & sold & sent. away & Iron sold latly & understand not that litle returned for paym<sup>t</sup> of workmen : & we hade manie witnesses to pue this

“about 4 or 5 dayes since the depositions are in courte & I purposed to take them out of Courte & to send them unto y<sup>n</sup> by the next ship (but by these) so much time haue I spent in answering suits fro Court to Court that I dare affirme I am a hundred pownd damadged by yt w<sup>ch</sup> I can clerly demonstrate yet notwithstanding if I can but give Contentm<sup>t</sup> & have my travells accepted I have what I look for, if not then I can haue the witness of a good conscience that I have discharged my trust accordinge to my best light & power : & not sought myself but yours in my labors : but y<sup>n</sup> may in your thought lay blame on us the comissioners for not puttinge him out of your Employmt seing your estate so wasted & men abused & I answer y<sup>n</sup> gaue us not in your comission that power neither to put him by nor receave anie thing out of his hands only to call him to accompt & that was all and John Gifford boasted of that about the Country that the Commissioners cannot or shall not put him out of his place & indeed he had such instructions from such whom y<sup>n</sup> haue & did considr to be helpfull unto y<sup>n</sup> (as I was informed) & he haue apeared in Court against y<sup>n</sup> & pleaded Giffords cause. but I desired him to be tender, & therfor but gaue a hinte & no more.

“and for the receving anie the state or effects of the works Gifford would say we had no power to take it out of his hand & such was our condition that when we had accordinge to your orders agreed w<sup>th</sup> M<sup>r</sup> Houtchins & M<sup>r</sup> Severn & M<sup>r</sup> Tutle for there ptested bill w<sup>ch</sup> was for neere 900li. to pay them in Iron & som potts & ingaged our selves therto : & send to him our letters to send Iron for there paymt he refused & retourned this answer exopt I would pay him in monie & pvision he would dd none. and manie times when the workmen had no pvision to eate. that they have don nothing in a week together for want of

breade he haue kept Iron by him & send the workmen to Boston to me to pvide for them and haue drawne many hundred pownd out of my estate & pmised me Iron for y<sup>t</sup> & sent me a pt but nothing like the vallewe for what monie & pvitions I sent him and as for paymt of all your dept we could never get about 18 tun 5 C of Iron & about 2 tun of potts out of his hands and that he chardgeth on my pp accompt and saith my estate shall make it good and now if Captain Bridges had not layd an attachm<sup>t</sup> on the sowes at the works for our indempnitie the aforesaid would com on our estates for paymt of them having engaged ourselves to them for they would not com in as the other Creditors did on the workes: John Gifford would kepe the Iron in his own hand as he said for his owne securitie for such depts as the companie owed him & divers tunnes as sold this sumer but what is becom of pduce we know not we canot get a pticular accompt of what sow was runn & therefore we cannot learne nor fined out what he hath drawne but take such accompt as he will give:

“ but now to give y<sup>n</sup> som accompt of your business & our treaties w<sup>th</sup> the Creditors whose bill last came ptested I may truly say the retourninge those bills ptested is or may be 100li. at least lost to y<sup>n</sup> how ever god may turne it to the best in putinge out that Caterpillar that might haue devoured all for our power given us would not reach yt I say the loss is greate for y<sup>n</sup> might haue taken up: for 6li. ~~of~~ C. w<sup>ch</sup> is 60: ~~of~~ 100li. & then the damage would haue bin saved: & we should haue pswaded them to stay for the remainder 3 qters or nere a yere more & the credit of the works would haue pured necessuries & we might w<sup>th</sup> good husbandry worked out o<sup>r</sup> depts but when the bill came ptested every on cometh & requireth not only their psent bill but all such depts as ar due to them & non will trust the works on shillinge. now when the creditors demande their paymts of us we told them that if they would stay we would make them the best way we could but when we considered that there was no monie to be taken on interest in this country and then examing the stok there was not a tun of Iron as we knowe only som sowes and no pots nothing but a few coale then made & very litle mine brought & did understand that what coal was to be made & carried & mine diged & brought the laborers & carriers must be paid for & nothing in specie to pay for that and a drought in the country that no Iron could be made all sumer untill winter to pcure anie thing for paymt of workmen & laborers: then what coales & mine should be made & brought would be indeptd for, we could not see how or what way to giue satisfac. to the Creditors.

“ then we thought of compounding w<sup>th</sup> the Creditor for time & agreed for to put the damadges to the courts to determine and the court did so. but now securitie must be giuen for paymt. w<sup>ch</sup> the creditors expected for say they the workes may be sold & therfor they would looke for security. now no effects or stock was there

to do yt, then we had serious thought to mortgage the works for securitie pvided that the generall Court should or could confirme our power but at the Court & before our majestrate, manie of them tendering your condicion did writt to us to complay to geather & what advise or helpe they could afford they would assist us for the stating & yssuing agrement. but in fine after much debating & agitation they would not nor could advize for mortgag being not in our power & knew not what to adviz. seinge the state of the busines stood on such a desperate condicion as it did then there was noe meanes left but to leave it to the lawe & iustice to order yt. then the Creditors comenced suits against the workes & that stock as was Found there & they ioyntly had a judgmt of 3670 or thereabouts as p the verdict of Court appeareth & they ar levyg execution on yt. & but the Coppie of the pticulers executed & prised I have not as yet com to my hand the prisers ar this day again about yt.

“ there ar manie poore workmen, country men mine carriers colliers & cole carters & other workmen. do make a grievous complt for paymt of their wages. it grieveth me to heare yt. I beleue the maiestrates of the country will compell the Creditors to make paymt to the poore laboringe men. I thinke the most pt of coale & mine is yet to be paid for: and now the Creditors ar husbanding the workes & it appeareth to me a greate change quickly & manie pounsd saved that was lavishly spent w<sup>ch</sup> here I canot haue space & time to writt. but on especiall. the coale measured now. when at first they entered they measured the coale & the loades held 7 qrters & 1-2 w<sup>ch</sup> then & now should be 11 qrte then they waied the mine & found about 14 or 15 C. w<sup>ch</sup> should be 20 C. & the workmen said these loads wer bigger then formerly were wont to be brought & indeed they haue often told me there was no care to looke to the loads of mine or coale & so other things I could hint y<sup>a</sup> of. but now y<sup>a</sup> understand the condicion of your workes under execution, yet this I shall informe y<sup>a</sup> that all the Creditors haue joyntly agreed & resolve to tender & render unto y<sup>a</sup> the works fully & wholly againe condicionally y<sup>a</sup> satisfie & paye them ther just depts & dewes and what newe arreges & costs they haue & shall be at therein or thereabouts & desire not anie waies either to obstruct or keepe the workes fro y<sup>a</sup> as y<sup>a</sup> may cleerly understand by a letter from them to w<sup>ch</sup> I refer y<sup>a</sup> for my pt I cannot see but by prudent impving of them but there may be advantage by them. as I belive y<sup>a</sup> will cleerly understand this yeere. and I should willing advance for my fifty pounsd share for redeeming them, if the rest of the companie will condisende thereto w<sup>ch</sup> I hope they will & looke better next to whome they comit their estates unto & beare a check & more command over agents & not let them lord out their estates & doe what they list w<sup>h</sup>out controll

“ I should now giue y<sup>a</sup> an accompt of my owne ioyning w<sup>h</sup> the Creditors in comencing a suite to gett mine owne due I shall

writt litle but first I say that I labored w<sup>h</sup> all might to forbear & giue time w<sup>h</sup> they would haue don if they could haue securitie neither would haue anie way psecuted w<sup>h</sup> them but seeing all others did ioyntly psecute they would haue taken what they pleased & soe might suffer much on that accompt & shift for my selfe & I could and now I desire y<sup>n</sup> to consider my condicion. I am allmost striped of my estate and do stand ingaged now for this monie to diuers men to pay them in England w<sup>h</sup> I took up in monie & pvisions for your works & did not gaine on penny for neere 300li. or upward lately dd & unto Captain Tinge nere 700li. did I lend most in curant monie and it was to redeme that Iron sent to England fro Gifford hand for he would dd him no more Iron then he paid him for in hande: I pray haue a favourable constructio of my pceeding therin & accept thes rude lines w<sup>h</sup> I am inforced to writ in hast: the shipes beinge under sayle and my time haue binne for neere 3 weekes takein up in Followinge your suites & ridinge into the Country hither & thither to summon witnesses to our Courtes y<sup>n</sup> litle consider my burthen & traveill & expences herin beinge compelled out of mine owne purse to pay all chardges in these suites w<sup>h</sup> is no smale sume: & I must acknowledge that Captaine Bridges haue spent a great deale of time herein & doth much acknowledg his erors in writinge in the behalfe of John Gifford beinge over com w<sup>h</sup> indulgencies & his faire & cullord p<sup>r</sup>tences to him but now of late did Clerely see his underhand dealings & assum that y<sup>n</sup> did hope to intrust for your good as formerly I writt herin we did finde against y<sup>n</sup> but that I leaue, and as for your accompts I could wish I could send them to y<sup>n</sup> but cannot for p<sup>r</sup>sent & the deposicions against Gifford in courte whereby y<sup>n</sup> may both understand his cariadges & chardge & his vast excess accompts I do believe that if y<sup>n</sup> take but his owne accompt giuen though he giveth Credit to Awbryes accompt what he left & to Captaine Tinges accompt and nothings to M<sup>r</sup> Foote his accompt for rod Iron rec. & so to other accompts that we shall pue to him. I say but take his accompt as it standeth your Iron will cost 26 or 27li. p tunn & potts 35li. a tunn. but now I cannot enlarde myselfe to y<sup>n</sup> but must craue your patience untill the next optunitie w<sup>h</sup> I doubt not but will shortly and then y<sup>n</sup> may god willinge receive the whole so cravinge leave for p<sup>r</sup>sent desiringe the lord to guide y<sup>n</sup> in all your undertakinges I rest

“ Yours to serve y<sup>n</sup> to his power

“ Henry Webb.”†

Complaint of Mr. Webb against Mr. John Giffard, in his letter, Dec. 14, 1653; charges, dated June 30, 1658, and signed by John Giffard.†

Webb's answer to Gifford's complaint signed by Henry Webb.†

William Bartholomew testified that before Mr. Gifford went to

†Autograph.



England when the case was upon trial in the General Court, two eminent members of the court told him that there should be proof made that Mr. Gifford had conveyed away 900li. of the estate of the company, etc. That it was a matter of grief to deponent that the judges should be so misled by false reports, and upon inquiry among the workmen concerning Mr. Gifford's actions, he found that they agreed that Gifford left a stock of coal, iron & mine at the works greater than there had ever been there before. Sworn before Daniel Denison,\* June 30, 1658.

Copy of deed to William Paine from Henry Webb. Whereas at a special court held at Boston, Sept. 14, 1653, several creditors of the undertakers of the Iron works in New England, commenced a suit against the estate of Mr. John Bex & Company of undertakers, upon a judgment of 3,658li. 13s. 4d., in which was included Mr. Webb's bill; and it was allowed by Capt. Robert Bridges and Mr. Joshua Foott, two commissioners and attorneys of the company. William Paine of Boston, merchant, in consideration of said Webb's assigning all his interest in the works at Lynn and Brantree for 1,300li. to said Paine, agreed to pay 25 tons of bar iron delivered at the dock in Boston, in four instalments, to said Webb of Boston and one-half of what Capt. John Leverett shall have sold the iron works for. Dated, Feb. 3, 1657. Wit: Edward Hutchenson and Edward Rawson. Copy made by Hilliard Veren,\* clerk.

Further answer of Henry Webb.\* The oxen were sent away or sold to Mr. Brown or others, and some other cattle at Ipswich or at Mr. King's farm, also the goats and sheep. Mr. Gifford challenged them as his own; but being bought with iron, the cattle belonged to the company, and Mr. Gifford could not transfer them to his personal account nor have the use of what they earned, since they were kept at the expense of the company.

Letter of Henry Webb, dated at Boston, Dec. 14, 1653; addressed "To the wor<sup>th</sup> Edward winslow or in his absence m<sup>r</sup> John Beex march<sup>t</sup> London." "Leave this w<sup>th</sup> m<sup>r</sup> Josua woolnough at the kings heade in Gracia streete drap. to be dd as Supra: dute." "p viam Barbados p amicum q d prsen."

" Boston the 14<sup>th</sup> of December 1653

" Hono<sup>r</sup>ed S<sup>r</sup>

" Yo<sup>r</sup> Lett<sup>r</sup> of y<sup>e</sup> 24<sup>th</sup> 7<sup>th</sup> (53) came safe to my hands in w<sup>ch</sup> I doe observe yo<sup>r</sup> tendernes of my condition for w<sup>ch</sup> I am obliged to you by y<sup>e</sup> New England m<sup>r</sup>chant, yt set saile from hence in y<sup>e</sup> 9<sup>th</sup> mo last were seuerall lettrs sent by each pticula<sup>r</sup> of yo<sup>r</sup> Commission<sup>s</sup>, y<sup>t</sup> did signifie y<sup>e</sup> sade condition of works & how runne out & y<sup>e</sup> vast sumes due to seuerall men being for money and pvisions, & taken up for supply of y<sup>e</sup> workmen by y<sup>r</sup> Agents & yo<sup>r</sup> givinge y<sup>e</sup> Comission's order to satisfye y<sup>m</sup>, & hopeing y<sup>r</sup> was estate

\*Autograph.

sufficient to pay all men engaged o'selves for about 940li | with intrest untill | y<sup>r</sup> came other bill p'tested & moneyes, y<sup>t</sup> Cap<sup>t</sup> Ting did take up, & p'visions, for use of y<sup>e</sup> workes, for w<sup>h</sup> he redeemed y<sup>t</sup> Iron sent by him to London out of y<sup>e</sup> hands of J<sup>n</sup> Gifford (for he would dd noe more of yo<sup>r</sup> estate, then what he received in money) & p'visions in hand, so y<sup>t</sup> when all y<sup>e</sup> Credit<sup>rs</sup> came to demand y<sup>r</sup> due wee found besides y<sup>e</sup> 940<sup>li</sup> expressed y<sup>r</sup> was due to seuerall men

"As p form<sup>r</sup> lettrs sent you, & when we came to examine y<sup>e</sup> stocke, we found not one Tunne of Iron to pay all these aforesaid onely about 18 Tunne taken to pay pt of M<sup>r</sup> Hutchins debt, & some potts in m<sup>r</sup> Tings hands about 90li to pay p<sup>to</sup> of m<sup>r</sup> severne his debt, for a bill p'tested, these being pt of y<sup>e</sup> sume expressed & when we came to examine what other stock y<sup>r</sup> was wee found about 60 Tunne of sow Iron, & about 900 Load of Coales, & about 4 Load of myne, & for y<sup>t</sup> stocke m<sup>r</sup> Gifford sued for at Ipswitch Court y<sup>e</sup> Company for 2000<sup>li</sup> & odd p'ounds, for money due to him & workmen & had judg<sup>mt</sup> & execution aga<sup>st</sup> you for 1366<sup>li</sup> 12<sup>s</sup> w<sup>h</sup> most unrighteously & unjustly he hath gotten forth, & now seeketh to gett yo<sup>r</sup> estate into his hands, were not sufficient but seeketh more, & I wish he had not such countenances, as he hath in this busines, but I shall forbear y<sup>t</sup> now, & because I doe strive in yo<sup>r</sup> behalf as indeed my faithfullnes to my trust to you & seeing you are circumvented & most unconsciously dealt withall, by y<sup>t</sup> pud & imperious spirited agent he seeketh all meanes to ruine me & mine by his wild slanderous reports y<sup>t</sup> he broatcheth by words, & noe questio but by writing also, w<sup>h</sup> he shall not nor can be able to make good.

"but now this day did he bring y<sup>e</sup> marshall to Levy his executio on my psonall estate & broake up my shop doore & took hold on my goods, by vertue of his executio, & what y<sup>e</sup> ende will be I know not, w<sup>h</sup> is noe litle trouble to me, & myne, & exceeding great damage to my estate & livelyhoode, & I feare if God doth not assist my undoeing consedering what I haue lent out of my estate into y<sup>e</sup> workes, & what I haue engaged to pay in England for money & p'visions, I tooke upon my Credit for y<sup>e</sup> workes, & now this great sume y<sup>t</sup> Gifford unjustly & violently seeketh to take fro me, & y<sup>r</sup>fore if you & y<sup>e</sup> rest of y<sup>e</sup> Company, doe not consider my Condition, w<sup>h</sup> now I am involved in I know not what to doe S<sup>r</sup> I feare y<sup>t</sup> y<sup>e</sup> gentlemen will take it unkindely y<sup>t</sup> I did consent to joyne with y<sup>e</sup> credito<sup>rs</sup> in psecuting a suite aga<sup>st</sup> y<sup>e</sup> company, and so haue a hand in y<sup>e</sup> psecution against y<sup>e</sup> workes y<sup>r</sup>fore I shall desire you to understand y<sup>e</sup> truth of y<sup>t</sup> businesse & reasons y<sup>t</sup> moved y<sup>r</sup>unto

"first I did to y<sup>e</sup> utmost of my endeavo<sup>r</sup> diswad y<sup>e</sup> Creditor's y<sup>r</sup>unto, but seeing they could haue no security for paymt nor little hopes of recovering any thing, by any advance y<sup>t</sup> should be raised out of y<sup>m</sup>, while it was, m<sup>r</sup> Giffords manning, they well under-

standing his wayes & causes, y<sup>r</sup>fore they thought best for y<sup>e</sup> Comp<sup>ts</sup> y<sup>m</sup>selves to pceed in y<sup>t</sup> way againe wee haueing noe || power to putt him out of his place nor take any of yo<sup>r</sup> effects or || estate out of his hands, for so he boasted to many men, y<sup>t</sup> y<sup>e</sup> commission<sup>rs</sup> could not, nor should not, displace him, nor take anything out of his hands, but to call him to acco<sup>ts</sup>, w<sup>ch</sup> he would give, & againe pceive, as form<sup>ly</sup> yo<sup>r</sup> estate was wasted by his high liueing & keeping of 2 Clarkes to attend him when one boye would haue serued his use & seeing his neglect of measuring of Coules (by report of workmen) 8 q<sup>rs</sup> when should be 11 q<sup>rs</sup>, & so for want of lookeing to myne carriages, for wee found not 15 C when y<sup>r</sup> should be 20 C, & so for y<sup>e</sup> Scotts employ<sup>ts</sup>, & other things in y<sup>e</sup> like kind, as you will finde by his acco<sup>ts</sup>

“ And againe if some of y<sup>e</sup> Creditors had psented suites, they would haue leuied on some principall p<sup>ts</sup> of y<sup>e</sup> conveniencies, & necessaryes belonging to y<sup>e</sup> workes & so y<sup>t</sup> would be destructive to y<sup>e</sup> workes, againe when y<sup>r</sup> was trouble & molestations about y<sup>e</sup> workes, y<sup>e</sup> workmen were hindred in y<sup>e</sup> employ<sup>mt</sup>, & then they would desert y<sup>e</sup> workes, & then noe bringing of y<sup>m</sup> together againe, nor carrying forth y<sup>e</sup> workes except you bring new men from England (w<sup>ch</sup> you finde very difficult to doe) all y<sup>e</sup> workemen were going off, for three of o<sup>r</sup> cheifest are gone off, & — had so done, if y<sup>r</sup> had not beene y<sup>t</sup> course taken & as for y<sup>e</sup> Creditt of y<sup>e</sup> works — were lost & none would lend any thing with out security, & noe stocke of Iron or potts, & a drought, y<sup>t</sup> y<sup>e</sup> workes went not in 3 mo<sup>ths</sup> or upwards, & to my best observance y<sup>or</sup> would haue beene dissolved.

“ And againe really understanding y<sup>e</sup> resolutions & ptestations of all y<sup>e</sup> Credito<sup>rs</sup> joyning together to keepe all y<sup>e</sup> estate whole & intire, & all workmen together, & to disburse what should be needfull, for y<sup>e</sup> carrying forth of y<sup>r</sup> workes, w<sup>ch</sup> they haue done to divers hundred of poundes, & receive not a penny as yet for all desbursemt & would engage y<sup>m</sup>selves wholly to surrender againe, paying y<sup>m</sup> y<sup>er</sup> just & due debts, & arreredges y<sup>r</sup>on, & y<sup>e</sup> workes & state should be returned, with a just & true accott of all y<sup>r</sup> transactions y<sup>r</sup>in, these & other grounds, w<sup>ch</sup> to mention to you would be tedious, y<sup>t</sup> moved me to these pceedings, w<sup>ch</sup> I hope being considered may excuse me, fro jealousies & centures, for my pte I shall freely resigne my selfe to you, & joyne w<sup>th</sup> you in what my ability reacheth too & my pte y<sup>r</sup>in & advance accordinly as I mentioned in my form<sup>r</sup> lett<sup>r</sup>, I long to send you Jn<sup>o</sup> Giffords accott, but yett wee cannot gett y<sup>e</sup> whola fro him, I have been necessitated to follow y<sup>e</sup> Courts at Salem & Ipswitch & Boston 5 or 6 times, & my whole time, allmost is spent in y<sup>e</sup> bussines, y<sup>e</sup> rest are wearyed out as my selfe is, about these tedious & pplexing suites, & know not when they will finde an issne, for Gifford is bent with his confederates to weary us out & so farre as I can pceive to make a fray on us all, I could wish some one of yo<sup>r</sup>

selves were here both to satisfye || your selves || in all concerns & proceedings, w<sup>ch</sup> I hope at spring to attaine & so to be meanes to settle all things in a right frame, & cannot yet be otherwise minded (by all my observatio) but y<sup>t</sup> y<sup>e</sup> workes if honestly & carefully husbanded, but would turne to good acco<sup>tt</sup> as I hope will in season be found to appeare.

“s<sup>r</sup> I feare I shall be tedious to you, & y<sup>r</sup>fore I pray accept these rude lynes, w<sup>ch</sup> now I send writt in hast y<sup>e</sup> ship being now y<sup>e</sup> first faire winde bound for Virginia, & so to England could not omite this opportunity now humbly crave Leave I rest

“Yo<sup>r</sup> obliged to serue you to his pow<sup>r</sup>

“Postscript

“S<sup>r</sup> I am necessitated once more to minde you of my sade & distressed, & distracted condition, as I haue written, to haue my smale estate left in my hand to be ceased on, my shop brooke open & y<sup>t</sup> on an execution in y<sup>e</sup> name of Jn<sup>o</sup> Gifford aga<sup>st</sup> m<sup>r</sup> Jn<sup>o</sup> Beex & compa undertakrs of y<sup>e</sup> Iron workes, & have now seuerall attachments more layed on my pson for debts due for y<sup>e</sup> workes, to y<sup>e</sup> workmen & carryers of coale & myne, & all cometh on my pson, & estate, & they plead I am one of y<sup>e</sup> Company, & they can sue any one of y<sup>e</sup> ptyes for y<sup>r</sup> debts & so now I stand lyable to all engagements, I tender them all my estate in y<sup>e</sup> workes, not onely y<sup>e</sup> adventure but all I haue lent w<sup>ch</sup> is 135li. of my psonall estate, for w<sup>ch</sup> I stand engaged to many men to pay now in England, for what moneyes & pvisions I borrowed of y<sup>m</sup>, w<sup>ch</sup> Jn<sup>o</sup> Gefford tooke & received of y<sup>m</sup>, & this will not satisfye Gefford & confederates, but will take away y<sup>t</sup> smale portion y<sup>t</sup> God hath left me, onely for my lively hooe & my families, w<sup>ch</sup> busenesse I feare, if y<sup>e</sup> lord doe not step in, will be y<sup>e</sup> undoing of me & mine, I finde but little favo<sup>r</sup> abroad & your cause likewise, & such as yo<sup>a</sup> ded principle confide in, finde yo<sup>r</sup> expectation, m<sup>r</sup> Hathorne hath twice appeared in Court for Gifford aga<sup>st</sup> you; & pleading his cause as one of his confederates, & I will not say many of y<sup>e</sup> greatest of y<sup>e</sup> Countrey are for him, I am with y<sup>e</sup> rest of yo<sup>r</sup> Commission<sup>rs</sup> & some other men greived to see how yo<sup>r</sup> busenesse goeth, I doe heartily wish y<sup>t</sup> one of yo<sup>r</sup>selves would timely come over at spring to helpe an ende yo<sup>r</sup> owne busenesse, for wee are not able to grapple with such, as wee finde agast us, & I doe still psecute from one Court to another, & so I know not when businesses will be issued, wee have sued for yo<sup>r</sup> bookes of acco<sup>tt</sup>, & y<sup>t</sup> wee may see y<sup>m</sup>, puse y<sup>m</sup>, & have now by judgment of Court at Boston obtained, but Gifford keepeth away some of y<sup>m</sup> & his cause is & have bene to psecute his suites at Salem & Ipswitch Courts, where he thinks he may finde most of his favo<sup>r</sup>ites & chargeth you with y<sup>e</sup> workmens yearning & demannds, & neuer giveth yo<sup>n</sup> any Credit on his acco<sup>tt</sup>, but putteth us to pue y<sup>t</sup>, & yett keepeth away his bookes of acco<sup>tt</sup>, & selleth yo<sup>r</sup> oxen away, & other things, & give mee Credit in his acco<sup>tt</sup> w<sup>ch</sup> he sued for at Ipswitch Court, & to write you of his

Carriages & passages, would take a volume, but I forbear, wee are attending y<sup>e</sup> auditing of acco<sup>ts</sup>, I wish wee could issue y<sup>m</sup>, y<sup>t</sup> yo<sup>a</sup> may understand how all businesses standeth, m<sup>r</sup> Awbery ded giue you some intimation of ou<sup>r</sup> pceeding in Court, & y<sup>e</sup> cause is putt over untill y<sup>e</sup> next, w<sup>ch</sup> will be about y<sup>e</sup> last of January next, & y<sup>f</sup>ore I cannot giue you further light y<sup>r</sup> aboute, but shall refere you to y<sup>e</sup> next opportunity, & not further to be tedious to you, but comending you & all yo<sup>s</sup> to y<sup>e</sup> guidance of y<sup>e</sup> almighty I rest

“ A copy of this sent p via Virginia

“ p M<sup>r</sup> Tho Webber ship y<sup>e</sup> May flower

“ S<sup>r</sup> wee are now at y<sup>e</sup> 24<sup>th</sup> of February (53) & an oppertunity p<sup>r</sup>senteth by way of Barbadoes, w<sup>ch</sup> I would not omitt though I haue little else at p<sup>r</sup>sent to write to you wee are yet auditing y<sup>e</sup> acco<sup>ts</sup> 5 m<sup>r</sup>chants being by Boston Court ordered to examine y<sup>e</sup> acco<sup>ts</sup>, & give in their report of y<sup>e</sup> same, they haue beene now ever since y<sup>e</sup> 8<sup>th</sup> of January to this p<sup>r</sup>sent day, I doe not remember in all this time they haue missed aboute 5 dayes, but haue attended y<sup>t</sup> businesse, & when they will issue it, I doe not well know, they finde y<sup>e</sup> acco<sup>t</sup> so confused w<sup>th</sup> out date, & noe acco<sup>t</sup> orderly, for servants worke, y<sup>t</sup> they finde great difficulty to bring to any true forme, & as yet wee cannot gett him to geue a pticular acco<sup>t</sup> of each servants worke, but chargeth vast sumes for dyett & Cloathing, & wages & little for their worke, I finde by his acco<sup>ts</sup> yet giuen aboute 2000<sup>l</sup> expended on servants & scotts, & not 1000<sup>l</sup> for y<sup>e</sup> earneings—excesse emergesses. I would now have willingly sent you his acco<sup>t</sup> giuen—I desire to send you y<sup>m</sup> w<sup>th</sup> what y<sup>e</sup> auditors shall finde & approue of w<sup>ch</sup> I hope will be by y<sup>e</sup> next fro hence. I am necessitated dayly to attend & psecute yo<sup>r</sup> employmts herein m<sup>r</sup> Foote durst not appeare herein for feare as he saeth m<sup>r</sup> Gifford will laye his execution on him & cast him in prison, & Capt. Bridges liveth remote of & cannot be fro his family, though indeed he hath spent much time y<sup>r</sup>aboute, & haue not beene wanting to further your bussinesse, as his occasions would pmitt, though to his prjudice, & as for my selfe I doe wholly attend it leaueing off all my calling & employm<sup>t</sup>, and in regard God hath stricken me with deafenes I am necessitated to intreate y<sup>e</sup> helpe of anothe<sup>r</sup> faithfull friend on m<sup>r</sup> Edw: Hutchinson, whome I finde faithfull, in assesting in yo<sup>r</sup> behalfe & haue & doth spend all his time, with me in these affaires, for such is my deafnes y<sup>t</sup> I cannot heare what is spoken either in Court or to y<sup>e</sup> auditors, & y<sup>f</sup>ore am I putt upon it, to haue an assistant in these affaires

“ And as for y<sup>e</sup> worke, as in o<sup>r</sup> form<sup>r</sup> lettrs, they are under y<sup>e</sup> managing of y<sup>e</sup> Credito<sup>r</sup>s, but as || theyer || wee formerly written, y<sup>t</sup> you may haue y<sup>m</sup> solely & wholly againe, paying there due debts, & what they haue issued y<sup>r</sup>on on due consideratio & acco<sup>t</sup> y<sup>r</sup>of, you shall haue, as they haue engaged & written to you & I doubt not but you shall finde y<sup>m</sup>, in a farre better posture, then they found it, & in a farre more orderly way of fruite M<sup>r</sup> Osborne could not

be p<sup>r</sup>vayled to undertake y<sup>o</sup> businesse, he found it so much in debt, & in such a confusion, as it was then; & indeed he was very ill & sicke a long time after he came ashore, y<sup>t</sup> he found himselfe not able to undertake y<sup>o</sup> Charge, & y<sup>r</sup>fore y<sup>r</sup> was anothe<sup>r</sup> honest man—one Thaddeus Riddan, y<sup>t</sup> was brought over by m<sup>r</sup> Leader, & was his Clarke for y<sup>o</sup> workes, & impoyed y<sup>o</sup>n all his time, and he hath undertaken to mannage y<sup>o</sup> same, & will liue answerable to his place & incomes, & not lavesh it out, as others have done, w<sup>h</sup> is found by sad experience, & wee hope wee shall see some of yo<sup>s</sup>elues here, to see & improue & order yo<sup>r</sup> occasions here, so y<sup>t</sup> y<sup>r</sup>by you may haue full satisfactio

“I understand by Jn<sup>o</sup> Gifford y<sup>t</sup> he hath written lettrs to yo<sup>s</sup>elues, y<sup>t</sup> y<sup>o</sup> Commission<sup>r</sup>s haue undone y<sup>o</sup> workes, & y<sup>t</sup> by theire meanes, they are taken fro<sup>y</sup> undertakrs in England & soe such wordes he seemeth to some men to intimate but wee trust y<sup>t</sup> y<sup>o</sup> gentlemen will not hastily giue Credit to what Gifford shall write, for he careth not what he speaketh or writeth to clear himselfe, & laye false Charges on oth<sup>r</sup>s especially when wee are not to giue an answer to him, for he durst not here lay any such to o<sup>r</sup> charge, for feare wee should psecute ag<sup>st</sup> him, for a slaunderer as I haue done aga<sup>st</sup> his Confederate one Jarvis a factor, y<sup>t</sup> he tooke fro<sup>y</sup> prison an idle druncken fellow y<sup>t</sup> is now bound over to Court on good behavio<sup>r</sup>, & Lately he hath brocken out with such false reports & slanders as I sued him & y<sup>o</sup> Court awarded him to pay 50<sup>li</sup> for his slanderous wordes & imputations, & this is y<sup>o</sup> fellow y<sup>t</sup> Gifford haue sent into his house, as one of his Clarkes, & y<sup>t</sup> is one of his confederates to strengthen his hands in his courses, & doubtless is ready to second Gifford in his writing aga<sup>st</sup> us, but wee should looke at it as a favo<sup>r</sup>, if wee had but y<sup>o</sup> coppies of such lett<sup>r</sup>s, as may be sent by him, y<sup>t</sup> wee may haue wherewith to charge him, y<sup>t</sup> so wee may make him pve it, & so may cleare ourselves both to y<sup>o</sup> Countrey here, & so to yo<sup>s</sup>elves, he haue intimated to some, y<sup>t</sup> y<sup>o</sup> Commissio<sup>n</sup>s did acknowledge y<sup>o</sup> acco<sup>ts</sup> of y<sup>o</sup> Credito<sup>r</sup>s, when they psecuted aga<sup>st</sup> y<sup>o</sup> Iron workes, & would not suffer him to speake in Courte, & other wordes to y<sup>o</sup> same effect, but y<sup>o</sup> truth is wee did examine y<sup>o</sup> acco<sup>ts</sup> of y<sup>o</sup> shopkeeps & m<sup>r</sup>chants, when y<sup>o</sup> bills came backe ptested y<sup>t</sup> m<sup>r</sup> Awbery & m<sup>r</sup> Ting had drawne, & wee did finde by theire bookes & bills under m<sup>r</sup> Giffords owne hand & m<sup>r</sup> Awberys & m<sup>r</sup> Tings, y<sup>t</sup> their debts were true debts, & now haue wee fastened them all on m<sup>r</sup> Gifford, & now it lyeth on him as his charge, for litle els but what was pved by y<sup>o</sup> shop keeper could be pved for his charge for he will not acknowledge any thinge but what wee Could pue, though m<sup>r</sup> Awbery did pay many sumes to him, & by his ord<sup>r</sup>s & did not take acquittances & notes under his hand for y<sup>o</sup> same, & so hereby will yo<sup>r</sup> losse be great, & by this meanes Gifford will make a pray on Awbry and on us all as l truely apprehend, & Awbery haue nothing to make satisfactio to y<sup>o</sup> Company, for all y<sup>t</sup> will rest on his charge.

"wee are demanding full acco<sup>ts</sup> of what was delieured to m<sup>r</sup> Gifferds hands, & requiring a full acco<sup>ts</sup> of all yo<sup>r</sup> estate here, & as yet wee cannot gett him to make it up to us, but y<sup>e</sup> auditors saith he shall giue up his full acco<sup>ts</sup> as y<sup>e</sup> Comissio<sup>r</sup>s Charged him with all, & I doe desire to send you y<sup>e</sup> whole pceedings of y<sup>e</sup> audito<sup>r</sup>s & what pticulls of yo<sup>r</sup> estate is levied on, & what of yo<sup>r</sup> estate is left, being under y<sup>e</sup> hand of John Gifford, & he will not dd it to y<sup>e</sup> hands of y<sup>e</sup> Comission<sup>r</sup>s nor pay those poore men to whome much is due, & he haueing an executio forth agast yo<sup>r</sup>selues for 1366<sup>u</sup> but he seizeth on my estate for it, as in my form<sup>r</sup> I writt to you, & so y<sup>e</sup> law must issue y<sup>t</sup> businesse, w<sup>ch</sup> I must be necessitated to psecute to my exceeding damage & losse, & as for y<sup>t</sup> sume of money y<sup>t</sup> I haue justly due to me, haueing lent & borrowed for y<sup>e</sup> workes necessary use & payd to workmen & yo<sup>r</sup> agents on their bills passed on me, if y<sup>e</sup> Company will pay me in equall peions, in 3 yeares time to my assignees at London with 8<sup>u</sup>  $\text{p}$  C for forbearance I shall be satisfyed, though to my greate hinderance in my Trade for now am I putt off from all my trade. you shall finde me ready to cam—— you in all reasonable demands, & desire to be serviceable to you to —— & utmost skill, & if I can haue but my travaile found acceptable, I shall haue what I expect fro our principles, but I desire now if possibly to be freed from these distracted incombrances & to live in peace & I hope I shall see sume of yo<sup>r</sup>selues here, for y<sup>e</sup> issueing & orderly settling of yo<sup>r</sup> affaires, so for y<sup>e</sup> p<sup>se</sup>nt comending yo<sup>a</sup> all to y<sup>e</sup> guidance of ye almighty I rest

"You<sup>s</sup> to serve you to his pow<sup>r</sup>"

"Henry Webb."\*

Henry Webb's\* further answer to Mr. Giffard, stating that the former was only one of the Commissioners and should not be attached personally for the debts of the works.

Copy of second writ: Capt. Robt. Bridges, Mr. Henry Webb and Mr. Joshua Foote, commissioners and attorneys of the undertakers of the Iron works v. Mr. John Gifford; dated, 17: 8: 1653; signed by Jonathan Negus, for the court; and served by Ri. Wayte.

Referred to next General Court; copy attested by Edward Rawson,\* secretary.

Court at Salem, June 27, 1654. Copy of record attested by Robert Lord,\* that Mr. John Gifford was fined for striking Francis Perry.

Thomas Savage testified, concerning the farm at Hammersmith, that they had rented twenty-eight acres of plow land and marsh to Francis Perry, who was to pay 25li. sterling, together with sufficient meat for a team of six oxen and a horse, also sufficient meat, drink, washing and lodging for a man for a year; that they reserved for themselves all the workmen's houses and gardens,

\*Autograph.

orchard and field of English grass adjoining the orchard. Goodman Perry was to have only the use of the house, barn and cow-house where Farmer Dexter lived, but they reserved the right for the workmen there to keep cows and swine. Also that Mr. Gifford in the spring of 1651-2 ventured to the value of 100li. in a voyage to the Dutch and Delaware, in partnership with Capt. Hawthorne and Mr. Wm. Browne, and he sent pots and other goods. Sworn before William Hibbins, 26: 8: 1653. Copy made by Edward Rawson,\* secretary.

“ London this 28<sup>th</sup> of September 1652

“ Gentlemen The  
“ Commissioners

“ Sence our last letter to you of the 24<sup>th</sup> of July we haue had the opportunity to speake with M<sup>r</sup> William Osborne who: hath informed us of many things Concerninge the Accounts of J: Gifford he hauinge been an actor with him till he did put him by: sense wee haue spooke with M<sup>r</sup> Osborne wee are much satisfised of his honesty and integrity towards the Comp: wch if we had knowne soe much before we would haue made coyce of him to be uper Clarke of our workes in place of m<sup>r</sup> Gifford as wee Conceiue and Can understand by him he has verry good iudgment in Iron workes and also beloued of the workmen we would verry faine had — to you over with this passage and pmised him an employment at Brantrey furnas and forge if not of all the employment in Giffords steed if he deserted us or were unwillinge to serve us any longer upon: our Conditions

“ but I doe Conceiue he will hardly goe with this passage pretending that he furst expects some Payment of us he owinge Aboue £100 to his Cossin Osborne heare and then also for the danger of the hollanders and the time of the yeare being so far spent so that he partly resoulved to goe in January — and seemeth to be willing to doe the Comp: servis but by — meanes under M<sup>r</sup> Gifford and we doubt not that if Mr. Gifford should quit the place that Osborne would be sufficient and willing to supply the place especially hauing the Commissioners to Countenance him and to Consult with all and on assistant at boston as factor and if m<sup>r</sup> Gifford should remaine in the place I doubt not but you might so farr preuaile with Osborne as to be Clarke at brantry and he not to be under Gifford but under the Commissioners, and Giue his account to them also we find a necessity to imploy Osborne in our workes because if wee doe not we doe under — soe much by him that yf he hath noe employment by us — then he being desired longe sence of those of Plymouth pattent to be employed by them in raising of Iron workes there to our great Preiudice and without him we are Confident they will not attempt it

“ they would verry much distract our workes and it is not an easy

\*Autograph.



matter to gett workmen to goe for new England therefore wee would haue you to Consider seriously of these things we shall much indevor to retaine osborne if we can knowing it to be yo<sup>r</sup> sence also, here follow severall Charges wch J: Gifford bringeth in his account wch we doe noe wayes allow of and must be deducted out of him furst the wadges of Jonathan Couentry as also his diett amounting to 24<sup>li</sup>: 17: 9: which did searve Gifford as his under Clarke to write his accounts not to be allowed by the Company and osborne wch could haue done him and the Company Good servis must be put out and this Jonathan a verry Idle fellow: y<sup>r</sup> Item for feather beds must be put out £13: 3: we are not to allow him any household stuff Item for a horse £15 Item for one saddle and bridle, 22: 15: the Company is not to find him horses furniture nor oats Item for weadgs at brantry £2: 17: 6: and spent at boston 12<sup>s</sup>: 6<sup>d</sup>: not to be allowed more reparation in his dwellinge house then was necessary by a greate deale he might haue been Contented to live in it as m<sup>r</sup> Leader left it also a pue for him and his wife in the meettinge house £1: 15: 4<sup>d</sup>: wch meere prodigalyty also a house that he builte for the Scots cost £35 and he built it upon Samuall Bennets grownd wch was very unadvisedly done

“Item John Adams A servant to Jo Gifford and not to the Company not to be Clothed nor dieted by the Comp: Charge wch is no less than £20 p an also Carsey for this booy of 10s. a yard which is the very best Item Gorge Adems the Father of this boy not able to worke yett Chargable to the Comp: Item M<sup>r</sup> Giffords diett was reconed in the £125: 2: 6<sup>d</sup>: wch was owing to m<sup>r</sup> osborne upon acc: wch he is to make Good to osborne and not the Comp: to paye for his diett. James Pea—— an a servant to Jo: Gifford and not to the company yett Charged upon the Companyes account soe that after this rate in place of £200 p an for Giffords sallory we allow him aboue £180 p an in the verry chardges as aboue I beleue the Company paid for Carryinge over servants for him but not to maintaine them at the Companyes Chardge then for dieting of the scots he setts 6<sup>s</sup> a man p weecke and m<sup>r</sup> osborne dieted Gifford for 5<sup>s</sup> p weecke much better then he euer gaue to the Scotts wch comes to a Considerable deale of mony at least £70 more then he ought to haue had besides the provition that Capt. wacker had leaft for the Company 2-3 ptes wherefore he must make himselfe debter in the account or else the Company looses it.

“also he brings in acc: the severall debts that were remited as if he had paid the money whereas they never came of his cash besides other emergenss wch we Cannot reckon so that we beleue that he hath made the furst yeare worth to him 300 or £400 wch we will nowyes allow of Consideringe the Carridge it may be £500 it were verry necessary that those abuses should be looked after by the Commissioners and made good by Gifford to the Comp: and if it be his intente soe to pceed then to dismiss him oute of

hand before any more such abuses be done to the Comp: I am Confident with the helpe of m<sup>r</sup> fott you wilbe able to keepe the workmen in worke till m<sup>r</sup> Osborne Comes over wch will be God willinge in February or march next the workmen now being in repaire and such a great stocke of Coale and myne if Gifford had sett the furnace a blowinge in July or August last year and had blowne till latter end of Desember hee would haue done much better and less wast of Coale and then he might begen to blow in the latter end of February following & by that meanes rather haue gott of sow Iron on ground as such a quantity of Coale wasted by the snow and wether especially if they haue no Coale houses it wilbe necessary to lett some of the scotts to heape the Coales to saue Charges

“ the measure of Coale is neglected and must be loocked after Samuell Bennit ought not to haue any Carridg for the Comp: unless hees Complying to the Commissioners he haueing had aboue £100 this last yeare: which makes him so stout and insolent with the Comp: we did fynd 35 tun 5<sup>l</sup> of bars upon more inc— then was made by the workemen but Gifford makes himselfe not debter for the 19 tun of barr Iron wch weare remayning in Osbornes time nor for the remayning potts it is much to be admired that in osbornes time there was good store of barr Iron sow Iron Potts Coale wood and myne leaft and the workes in good repayre and besides all that £800 in Comodities that Leader brought alonge for the Comp: as also the scotts which weare worth no less then £1500—if they had been sold and now turned for the benefitt of the workes and then bills of exchange drawne by awbery upon the Comp: to the value of £1600—and not aboue worth £400—of Iron returned to it—by this acc: there might be remayninge at the workes instor—and debts aboue £5000—wch is two much stock by £2000 wch will stocke a furnas and fordge in owld England there they—buy their wood the coale standes heare in 30 and 32s. p load

“ wee would intreat you seriously to minde this busines that wee may not be fooled out of such an estate and so probably of full proffitts if well managed and that we once had honist dealinge and what soever you doe doe not draw eanye more bills of exchange upon us but rather yf you want it yet tacke some moneyes upon intrest for 10 or 12 months you having such a stock for security there and then yf you send barr Iron too we will returne you English Comodities for it to pay of this intrest moneyes till such time that we haue wrought out — pte of ou<sup>r</sup> stock and that you haue heare sent us 200: or 250 tun of bar Iron at least 50 tun with every ship and if it should hapen that any of the last bills of exc: should go back with protest in respect that most of the parteners heare haue not brought in their advance and noe Iron as yett come: lett them be satesified there I shall doe what I can to satesifie them for a tyme till Iron Cometh but some will hardly haue patience

thinking to speed better in new England m<sup>r</sup> huchensen is extreme ernist I haue payd him £200 but is earnest for the other £200 wch he must haue paciense for we haue noe provision in Cash I am out about £270—out of my owne Cash and am unwilling to pay any more unless the partnors will pay their aduance

“and I pray lett some Care be taken that oxen may be bought for 2 teemes more wee hauinge ou<sup>r</sup> owne teemes to Carry ou<sup>r</sup> Coale and timber Samuell Bennitt one and osborne one and those 5 teemes will be sufficient to do all the worke hauing scotts for Carters it will saue £300 p an inquire of Jo. Gifford what is become of the Corne the scotts sowed also the wages they earned also to gett an account of Awbery that wee may not suffer that way after the writing of this letter we reced an owld letter of Mr. Ting and m<sup>r</sup> Webb of January last wch was to come by osborne wherein wee understand that both they and we are all of a mind wch — were very glad of that we had ordered our busines to—likinge we would intreat you to write a letter to Cap<sup>t</sup> hawkeridge and to Jo: Turner to returne ower adventires for land I haue Given s: Rich a letter of attourney Against Cap<sup>t</sup> hawkridge if he make noe sudden retourne willam osborne haue lost all his former weeekly acc: in the sheipe but will Coppie them out of his bocke and send them I beleeeve the more awbery and Gifford are at diffrence the more you will be informed Etc:

“J. E. Beex\* in the

“Behalf of all partners.

“p m<sup>r</sup> Israell Simonds com<sup>r</sup>

“of the may Flower

“dated 28 Sept. 52.”

Thomas Savage testified that he bought of Mr. John Gifford thirty hundred of pots and sixty hundred of bar iron in 1652, for which he paid 105li.; that he also bought of other workmen, about 30: 5: 1653, one ton of bar iron and paid for it. Sworn, 18: 8: 1653, before Jno. Leveret, commissioner. Copy made by Edward Rawson,\* secretary.

Copy of record of the finding of the General Court at Boston, Nov. 20, 1654, in an action between Mr. Josiah Winslow and Capt. Robert Keayne, commissioner and attorney of the said undertakers. Copy made by Edward Rawson,\* secretary.

Copy of similar record, dated, Oct. 24, 1655.

Copy of deposition of Thomas Wheeler of Lynn, aged about fifty years, who testified that Mr. Giffard of Lynn bought six oxen, tackling and a pair of wheels of him about two years ago, for which he promised to pay 55li., and he paid part of it in iron. Sworn, 27: 8: 1653, before Increase Nowell. Copy made by Edward Rawson,\* secretary.

Copy of deposition of Robert Patteshall, aged about forty years,

\*Autograph.

who testified that he bought of Mr. John Gifford twenty-seven hogsheads of Virginia tobacco for 108li. Sworn, 29: 8: 1653, before Increase Nowell. Copy made by Edward Rawson,\* secretary.

Copy of deposition of Thomas Marshall, aged about thirty-seven years, who testified that he sold three oxen to Mr. John Giffard at the Iron works, for which he paid in bills and that he had bought some oxen, cart, wheels and hay, and ewes of Mr. Gifford. Sworn, 27: 8: 1653, before Increase Nowell. Copy made by Edward Rawson,\* secretary.

Copy of deposition of David Faulkner of Boston, aged about thirty-three years, who testified that Mr. John Giffard and himself bought of William Stranguish, twenty-seven hogsheads of Virginia tobacco for 85li., but when Gifford found what a great bargain it was, the latter kept the whole parcel, paying for it in iron, and deprived deponent of his part. Sworn, 19: 8: 1653, before Natha. Duncan. Copy made by Edward Rawson,\* secretary.

John Harwood, aged about twenty-seven years, deposed that Aug. 4 last he bought bar iron of Mr. Gifford of the Iron works, paying in money and provisions. Sworn, 18: 8: 1653, before William Hibbins, and copy made by Edward Rawson,\* secretary.

Thomas Lake, aged about forty-three years, deposed that he with Major Gibbons and others gave bond for bailing Mr. John Gifford to answer complaint of the commissioners or attorney, and supposed the bond was given to George Munings. Sworn in Boston, 28: 4: 1658, before Edward Tyng,\* commissioner.

Copy of deposition of Richard Hud, aged about thirty-two years, who testified that Gifford bought some goats of him in exchange for a debt which deponent owed the Iron works, which goats Gifford later sold. For advance upon provisions they paid 5s. a barrel for beef and pork more than at Boston, 4d. a bushel for corn and 5s. a hogshead for mackerel. Beef and mackerel sold for 3li. 15s. and 30s. per barrel, respectively. Sworn, 27: 8: 1653.

Copy of deposition of Mr. Wm. Payne of Ipswich, who testified that Mr. John Gifford had cattle, corn and malt of him for iron received by order of Bridges and Chandler of Andover, and the remainder by Mr. Foote in nails. Sworn, Oct. 19, 1653, before William Hibbins.

Samuel Bennit, aged about forty-eight years, deposed that he sold J. Gifford a horse, which was charged to the Company. Sworn, 29: 8: 1653, before John Glover.\*

Copy of deposition of Francis Perry, aged about forty-five years, who testified, 27: 8: 1653, that being carpenter of the works he made many things for Gifford's house on the Company's account, including one great press, and set up two dressers, which Gifford took away when he went. Also that Gifford took the lock from the

\*Autograph.

door, and took down part of the walls at the doors to get out the press; that deponent sold Giffard goats and a calf, which were paid for from the Company's estate, and had since sold the goats to Lt. Marshall of Reding, and sent away the calf by Daniell Salmon, branding it with his own mark; he had used the farm, for which deponent offered him 60li. per year, and he used the Scotchmen to weed his corn, manure the ground and make hay; that Daniell Salmon was employed by Gifford to plow and work on the farm. Deponent also testified that he saw the load of mine which Capt. Savage first caused to be weighed at the furnace bridge, also the coals, all of which were greater loads than ordinary; that Jno. Adams was employed in Mr. Gifford's personal business, and deponent was denied a statement of his account with Gifford; that the latter sent away the team called the Company's team by Daniell Salmon and James Adams, and that Gifford sent the Scots into the wood to get work, etc. Sworn before Increase Nowell. Copy made by Edward Rawson,\* secretary.

Copy of deposition of Robert Patteshall, aged about forty years, who testified that aboard Capt. Gilbert Crane's ship at Nantasket he met one Emery, a Scotchman, who had belonged formerly to the Iron works, etc. Sworn, 27: 8: 1655, before Edward Rawson,\* secretary.

Copy of deposition of John Toish, aged about twenty-four years, who testified that he was appointed by Mr. Giffard to receive the stock, and that Edward Baker sent in by his cart 100 tons of bog mine, some of the tons being not more than 1400 pounds. He told Mr. Gifford and John Blajno what it weighed, etc. Sworn, 25: 11: 1653, before William Hibbins.

Copy of deposition of Wm. Browne of Salem, who testified that he sold oxen to Mr. Giffard in the spring of 1652, and fish to Mr. Cook, and about two and a half years ago, about 90li. was ventured to Delawarr by Mr. Giffard, and what was brought back was delivered to Mr. Awbery, etc. Sworn, 27: 8: 1653.

Copy of deposition of Wm. Davis, who testified that he received of John Giffard from the Iron works at Lynn iron which was brought to Boston by Joseph Armitage, 30: 5: 1653. Sworn, 18: 8: 1653, before Jno. Leverett, commissioner.

Capt. Richard Walker\* testified, 23: 11: 1653, that the tumbrill that his man carted mine in for Mr. Leader would not be accepted by Mr. Gafford, and the latter had a larger one made.

Copy of deposition of Henry Tucker and Richard Greene, who were sworn, 27: 8: 1653, and testified that they could not get their account from Gifford.

Lt. Thomas Marshall, aged about thirty-nine years, deposed that Gifford complained that the cart was too small that had been used in Mr. Leader's and Mr. Osborne's time, and deponent was

\*Autograph.

forced to get a larger one. Sworn, 23 of this mo., before Richard Walker.\*

Serg. Jno. Smith, aged about thirty years, testified that when Mr. Giffard came to the works deponent was using the tumbrel that Capt. Walker had formerly carried 100 tons of mine in, but Gifford complained that it was too small, etc. Sworn before Richard Walker.\*

Copy of deposition of William Russell, aged about thirty-six years, who testified that when he went forth gunner of the ship called Brocke, but afterward called Providence, of which Mr. William Cooke was master, bound for Barbadoes, he heard Mr. Cooke say that Mr. Gifford was one of her chief owners, and that 100 tons of iron, about seventy small pots and great kettles or marmeletts were shipped on board by him, and about 11 hogsheads of mackerel marked I. G.

Copy of deposition of Richard Walker, aged about forty-one years, who testified that he sold to Mr. John Giffard sheep, and received payment in beef; he also received by Mr. Giffard's order a bill which George Burden had, etc. Sworn, 27: 8: 1653, before Increase Nowell.

Copy of deposition of Qunten Pray, aged about sixty-one years, who testified that he heard Jno. Giffard caution the colliers and others to always bring in full measure and that said Gifford was just and honest in all transactions with the workmen. Sworn, June 10, 1656, before Natha. Duncan,\* commissioner, who certified to the copy. Robert Howard,\* notary public, certified that Mr. Natha. Duncan was a regular commissioner appointed by the General Court, etc.

Copy of deposition of Benjamine Gillam, aged about forty-five years, who testified that Mr. Giffard obliged himself to pay Major Gibbons or his assignee, iron in part payment of 45li. for the ship Brock; that Mr. Cooke declared that Mr. Giffard had paid more than a fourth part, etc., and Cooke, who was the master, had given eight guns for Giffard's security, at 25s. p C. Mr. Cooke declared that the ship laid in a cargo of 700li. when she sailed from here. Sworn, 27: 8: 1653.

Copy of deposition of Joseph Boovy, aged about twenty-seven years, who testified that he carried coals a whole summer from Goodman Tucker, etc. Sworn, 24: 11: 1653, before Nathaniell Duncan.

Copy of deposition of John Toysh, aged about twenty-four years, who testified that he carried coals, etc. Sworn, 24: 11: 1653, before Nathaniell Duncan.

Copy of deposition of John Clarke, aged about twenty-eight years. Sworn, 24: 11: 1653.

Copy of deposition of James Danielson and George Thompson,

\*Autograph.

aged about twenty years, who testified that they were colliers in Will. Tingle's work, and sent in their coal carts full, and that Gifford often went into the wood to tell them to bring in full measure.

Copy of deposition of Thomas Looke, collier, aged about thirty-one years, who testified that he was a collier and sent in his coal carts full, etc.

Copy of deposition of Richd. Greene, aged about thirty-four years, who testified that he worked as a collier there, etc.

Robert Howard,\* notary public, certified that Edward Rawson, who made the above copies, was secretary, etc.

Jno. Blaino, aged about twenty-two years, deposed that by appointment of Mr. Jno. Giffard he went to Boston the 10th of this month, June, having a letter from said Giffard to Mr. Henry Webb, about the boats and iron. Webb finally promised to give him 5li. and said that he would not pay Goodman Williams, the glover, until he had received sufficient iron. Deponent further testified that Webb said that if he chose he could order bar iron to be slit and sent to Mr. Foote, and the latter should pay for it, to which deponent replied "S<sup>r</sup> if yo<sup>r</sup> please I will goe and speak to m<sup>r</sup> foot about it." Mr. Webb replied "Prithy Jn<sup>o</sup> Goe." Foote said that he had paid for all he had received. Webb refused to trouble himself about the rod iron for he declared Foot would "turne him off with Tobacco and such kind of trash, and he would not be made such a fool." Sworn, 13: 4: 1653, before Rob. Bridges.\*

Copy of deposition of Theophilus Bayly, aged about thirty-one years, who testified that he went in the company's boat, and did by Mr. Gifford's order carry in his boat from the iron works, one year since, four tons of bar iron and delivered it aboard a ship at Pascattoway, and brought back one butt and one hogshead of wine. Deponent thought the iron was on Mr. Pateshall's account; and the last winter he also delivered iron into Mr. Cook's ship, for Mr. John Jarvis, and ordered to be delivered to another ship, but that ship being loaded with pipestaves, it could not be taken on. He also delivered several dozen of small wares to Mr. Cook's ship. Ten weeks since, he also delivered aboard the bark of William Stranguish, eleven dozen skillets; Giffard urged him to take forty pounds worth, saying that they were as good a commodity as his tobacco, but Stranguish refused. Deponent then delivered nineteen dozen and four skillets at Mrs. Hanborough's house, eleven ton of iron to Mr. John Harwood of Boston, for which he received money, woolen and linen cloth and shoes, the cloth and shoes being taken to Mr. Gifford's house in the company's boat. A year before he carried a freight of pots to Mr. William Browne of Salem and Thomas Graves took a freight of iron to the same, but as soon as it was delivered they had orders to take it to Boston, the cost

\*Autograph.

of the whole being 90li. They afterwards delivered 14 tons of bar iron from the works to Mr. Foote on Mr. Houchins account, it being the iron that Samuell Bennet had order to receive for Mr. Houchins and when they had delivered 20 tons, John Blaino, Mr. Giffard's man, demanded a receipt from deponent, if said Bennet did not come to give it, and he gave it. Gifford sent John Blaino to Boston to take two tons out, which was done, and it was disposed of to Mr. Harwood. Sworn, 26: 8: 1653.

Copy of deposition of Mr. William Emery, aged about twenty-eight years, having been sent as a servant by the Company to New England, and having been in their employment at the Iron works about two years and six weeks, who testified that iron was delivered to Mr. John Jarvis, being sent by boat to Boston; that old Tingle, a collier, hired of Mr. Giffard four Scotchmen for three years, for whom Tingle was to provide meat, drink and clothing and the latter was to allow the Company six pence out of every load of coal that said Tingle made, and that their time would not expire until May 10, next; that Thomas Look, Thomas Wiggins and Richard Hood had each of them a Scot for three years, agreeing to give them food and clothing and allow the Company 5li. per year; that Mr. Giffard hired Wigen's man and gave him 5s. per week, that Samuell Bennet had one Scot, for whom he was to give 5li. the first year, and 8li. for the next year, whose time expired about Christmas next; that four Scotchmen were employed wheeling and floating the collier's work, their pay being deducted from the collier's account, and another Scot was let to Richard Smith, collier, for which Mr. Giffard bargained with him to give 14s. 6d. p week from Mar. 16, until Sept. 16, 1653; that for the rest of the Scots at the house, about thirteen men, they had not earned more than 10li. for ten or eleven weeks for lack of looking after; that James Adames, one of the Scotchmen had gone with Mr. Giffard's team ever since he had it of Thomas Wheeler, likewise the team called Daniel Salmon's. Mr. Giffard kept one Scotchman called John Steward and also John Adams, both in his house for his own service, until lately put forth to a smith. The farm work was done by the Scotchmen and Daniell Salmon, and deponent saw two men hilling Indian corn in the orchard that year; the Scotchmen kept Gifford's and the people's cattle, fifty or sixty head, two summers, for which they were to pay 5s. p cow to the keeper. Divers men were boarded at the Scotchmen's house on the Company's provisions, namely, William Tingle's four men from Apr. 1, 1652 to Nov. 1, 1652; Samuell Bennett's two men, eighteen weeks; John Gorum, about five months; Francis Perry's boy, while keeping Mr. Giffard's goats, ten weeks; John Gorum about six weeks, in 1653; Richard Post, two weeks, in 1653; old Stich, the collier, three months, in 1653; John Adams, two weeks, and Jabish Hacket, ten weeks. When barrels of beef were sent to Hammersmith in 1651, to Mr. Gifford's, that they were opened at his house and lacked



Tho. Newell made free.

Tho. Newell and Richard Rooden sworn constables for Lynn.

Joseph Myles v. Mordicha Creford. Slander. For his wife, Edith Creford, saying that the plaintiff was a base rascal and a thievish rogue.\*

Modicha Creford v. Joseph Myles. Defamation. For saying that the plaintiff had stolen his wood.†

Lt. Thomas Marshall allowed to marry and take testimony in civil cases in Lynn.

Mr. William Browne v. Oliver Purchase. Debt. For detaining thirty-eight bushels of malt delivered by his agent, Joseph Jencks, sr., to defendant.‡

eighteen or twenty pieces in a barrel when they came to the Scot's house; that deponent delivered to Mr. Samuell Bennett four hundred mackerel from the Scot's provisions sent by Mr. Giffard; that Mr. Awbrey and others having sent thousands of biscuit to the iron works, which were placed in the storehouse or Mr. Giffard's house, said Giffard disposed of a considerable part to his family and to other workmen and charged the whole to the Scot's account. Deponent further testified that of the soap, which was sent to Mr. Giffard for the Scot's use, only about a firkin and a half had been used by the Scots, when deponent left, eighteen weeks before, but 13li. was delivered to Samuell Bennett by Giffard's order. Sworn, 27: 8: 1653, before Increase Nowell.

Copy of deposition of Henry Stich, aged about one hundred and two years, who testified that he was employed by Mr. John Giffard, agent, in the mystery of coaling, etc. Sworn, 24: 11: 1653, before Will. Hibbins.

Copy of deposition of Robt. Mackentier, aged about twenty-four years, who testified that he was employed by Thomas Wiggins in carting coals. Sworn, 24: 11: 1653, before William Hibbins.

\*Writ: Joseph Miles v. Mordechie Creford; dated, 18: 4: 1658; signed by Hillyard Veren,§ for the court.

Willyam Lightfoote, aged twenty-three years, deposed that being at Mordecai Crevit's house he heard the bargain between the parties, that plaintiff was to pay 17s. per yard for four yards of cloth. Sworn in Salem court, June 29, 1658.

†Writ: Mordechai Creford v. Joseph Miles of Salem; dated, 17: 4: 1658; signed by Hillyard Veren,§ for the court; and served by Samuel Archard,§ marshal. Took bond.

‡Writ: Mr. William Browne v. Oliver Purchase of Hamersmith; dated, 18: 4: 1658; signed by Hillyard Veren,§ for the court; and served by Samuell Archard,§ marshal of Salem.

§Autograph.

Mr. Richard Moore v. Edward Priscott. Debt.\*

Mr. William Browne v. Estate of William White, lately deceased, in the hands of John Orms (Ormes). Debt.†

William Vinson sworn constable of Gloster.

Jenkin Davis of Lynn sworn clerk of the market.

Ezekiel Wathen brought in inventory‡ of the estate of his kinsman, Thomas Wathen, deceased.

Benjamyn Balch ordered to have the estate of Agnis Balch, in order to pay her debts.

Inventory§ of the estate of George Bunker,¶ lately deceased.

Joseph Jencks, sr., deposed that Mr. William Brown sent forty bushels of malt to the Iron works to exchange for bar iron, slit into nail rods, but defendant would not allow him to leave the malt or take the iron, affirming that there were only thirty-eight bushels of malt. Sworn, 17 : 3 : 1658, before Wm. Hathorne. ||

Alexander Brabiner testified that he heard the conversation between defendant and said Jencks. Sworn in court, June 29, 1658.

Bill of charges.

Daniell Salmon || and John Hathorne || testified that said Daniell Salmon, deputy to the marshal of Salem, while serving a writ, attaching a parcel of bar iron, was violently resisted by Oliver Purchis, Henry Leonard and Richard Blood, who took the iron from him, in the forge at the Iron works.

George Darline testified that the malt was brought on Jencks' account and not Mr. Browne's. Sworn in court, June 29, 1658.

Jonathan Hudson of Lynn testified that Senior Jencks hired him to carry him forty bushels of malt from Mr. Browne's of Salem. He went to Mr. Browne's with his team, and Mr. Browne delivered him the malt for Goodman Jencks. Deponent told Jencks that Mr. Browne might pay him for bringing it, and Jencks sent a note by his boy to Mr. Browne to pay deponent, and also for a jar of oil; nothing was said of Oliver Purchis. Sworn in court, June 29, 1658.

\*Writ, dated, 24 : 4 : 1658 ; signed by Hillyard Veren, || for the court ; and served by Samuel Archard, || deputy marshal.

†Writ, dated, 18 : 4 : 1658 ; signed by Hillyard Veren, || for the court ; and served by Samuel Archard, sr., || marshal's deputy.

‡Inventory, taken 30 : 4 : 1658 : In the hands of Capt. Tho. Clerk, 7li. 14s. 2d. Signed by Ezekiel Wathen, || who swore in court, June 30, 1658, that this was all the estate of his kinsman, Thomas Wathen.

§Inventory, dated, 29 : 3 : 1658, taken by Thomas Howlett, || Frances Pabody, || Richod (his mark) Hutten and Abraham Reding-

|| Autograph.

¶ Of Topsfield.

Amount, 300li. 14s. Debts, 156li. 9s. The widow, Jane Buncker, appointed administratrix; and the estate to be divided among said widow, son William Buncker, Elizabeth Buncker, Mary Buncker, Ann Buncker and Martha Buncker, all under twenty-one years of age.

Oliver Purchase, Henry Lennord and Richard Blood discharged.\*

"William Brend william Lutherway examyned why & w<sup>t</sup> they came into these p<sup>ts</sup> to seek a godly seed the lord god s<sup>d</sup> pase away to New England."

Good. Bishop deposed that William Brand was at Larence Suthicke's house two or three hours.

John Hathorne's license to draw wine, beer, etc., renewed for one year.

Theophilus Wilson, constable v. Job Bishop. Appealed.†

ton:‡ For working Catil, 36li.; Cowes hefors and Caves, 16li.; One Ewe and two Lambs, 2li.; a Cart and plowes and tackling, 3li.; swine, 2li.; gune and sword, 2li.; bras and pouter, 3li.; tabul and Chares and trays, tubes and barils, 2li. 3s.; Cowes pelt skines and wheeles, a Rop and bandalers, 2li.; beding and linan and wolan and thirteen pound Coten wol, 8li.; waring Clothing, 3li. 6s.; the Crop of Corne upon the ground, 9li.; dets due to him upon bil, 4li. 11s.; housin and land as namli medo and uplande, the farme Consisting of thre hondered and twelve acres more or les, there be more driblin dets that do not yet apere what tha are; By John Andros, 4li.; by Frances Vsselton, 3li. 14s.; total, 300li. 14s. The estate is debt to severall psons following: To Mr. Tuttle as by bill & otherwise, 9li. 18s. 2d.; Mr. Joseph Juit, 2li. 8d.; Capt. Pendleton, 80li.; Willm. Howard, by bill, 24li.; to the worshipfull Mr. Bradstreet, 22 bushils wheat, 4li. 15s.; Mr. Robert Payne, 2li. 2s. 7d.; Goodman Moulton, 30s. 9d. & Robt. Andrew, 14s. 4d., 2li. 5s. 4d.; Mr. Curwin, 12li. 11s.; Robt. Stiles, 6li., Robt. Pearse, 10s., 6li. 10s.; Mr. Purkings, 50s. and Goodman Gouldsmyth, 18s., 3li. 8s.; Mr. Willm. Payne, 4li.; Thomas Rootes, 2li. 14s. 10d.; Richard Raymend, 20s. & Goody Graften, 24s., 44s.; total, 158li. 13s. 4d.

Elizabeth Bunker was twelve years old; Will., ten years old; Mary, six; An, four; and Martha, one year and a half.

\*Presented, 25: 9: 1657, for violently taking away a parcel of iron from the officer who had attached it. Wit: Daniell Salmon and John Hathorn of Lynn.

†At Ipswich court, Mar. 30, 1658, Theophilus Willson, constable v. Job Bishop. Appeal from a judgment given by Mr. Samuel Symonds, Mar. 29, 1658. Transferred to Salem court. Found

‡Autograph.

Thomas Bishop surety that his brother Job Bishop prosecute his appeal.

George Norton licensed to keep an ordinary upon the road where he dwells, and to sell strong waters to travelers.

Mordicha Creford fined 40s. for excessive selling of cloth.\*

Modicha Creford fined for his wife's misdemeanor toward Joseph Myles.

Joseph Myles fined for his misdemeanor toward Modicha Creford.

Ipswich people, considering one ordinary not enough there, petitioned that Corporal Andrews be licensed to keep an ordinary for the entertainment of strangers till next court at Ipswich and no longer. Granted, and he was given liberty to sell wine and beer to townsmen out of doors.

John Suthick's wife fined for absence from meeting six Sabbaths.

Frances Johnson of Marblehead had his license to sell wine renewed for one year.

Mr. William Browne of Salem appointed administrator of the estate of William White of Salem, deceased sometime since at Vnkaway.

William Canterbury fined for beating Goodwife Rowdding.

John Rowden, for his wife's offence, fined and bound for her good behavior.†

William Canterbury and John Rowden were bound to good behavior.

for plaintiff. Certified copy of record by Robert Lord,‡ clerk, 22: 4: 1658.

\*Presented, 25: 9: 1657, for oppression in selling a piece of kearsey and two pair of stockings to Joseph Miles, at excessive prices. Wit: Phillip Crumell and Joseph Miles of Salem. Summons served by James Underwood,‡ constable, 1: 2: 1658.

†Rebecca Cantlebery, aged twenty years, deposed that the day her father went to tell John Rouden's wife of her swine that were in his pease, a short time after, she came in an insulting manner and bade them prove them to be her swine; whereupon deponent went and caught one of them and held it by the leg, her father standing by. Rouden's wife took up a stone of two or three pound weight and threw it with such force that if deponent had not fallen down, "it myght haue spoyle me." Deponent further testified that she heard

‡Autograph.

John Ossgood confirmed as sergeant of the military company at Andover.

Alice Chichester to be severely whipped for uncleanness.

Mr. Jerimy Hubard discharged.

Wennam discharged, the way being mended.\*

Gregory Castle fined for fighting. Wit: Math. Nixon. Christopher Codner promised to pay the fine.

Mordecha Creford admonished.

Hanah, wife of Nehemiah Howard, presented for suspicion of uncleanness, being delivered of a child about thirty-two weeks after marriage, was discharged. Wit: Willi. Dixcy and his wife.

"Memord Nicolas Phelps wife abused John Smith."

Henry Herrick freed from training, fine being partly remitted.

Hillyard Verren appointed clerk of the court for Salem.†

said Rowden's wife call her father rogue, whelp and toad; and when her father was at work in his own ground she had seen her sling stones at him with great violence, and they no sooner let their cattle out of their yard but she was either hunting them with her dogs or striking them with great sticks.

Thomas Goldsmith testified that he saw Goody Rowden violently oppose William Canterbury, and she did strike his oxen with a stick in her hand in the common field, Jan. 10, 1657.

Elisabeth Walkut deposed that she, being sent on an errand to Goodwife Cantebery, found her abroad in her lot; the latter told deponent that her husband was gone to give Goodwife Rowden notice of her swine that were then in his pease. Goodwife Cantebery, standing upon a tree, called deponent to her to behold how Goodwife Rowden beat her husband. She saw Goodwife Rowden following Goodman Cantebery towards the fence with both her hands upon him divers times, thrusting him out of her ground and throwing things at him. Sworn, 6: 11: 1657, before Wm. Hathorne.‡

\*Presented, 25: 9: 1657, for an insufficient highway where their mill formerly stood. Wit: Robert Gouings and Thomas White of Wenham.

Robert Gowing of Wanham, who was kept from court by illness in his family, deposed that upon the place where sometimes the mill was, he apprehended that the foot way was inconvenient and unsafe for travelers on foot; dated, last of the eighth month.

†" 29<sup>th</sup> 4<sup>th</sup>: 58

"To the Worshipfull Court now assembled at Salem

"We whose names are subscribed hauinge considered that this

‡Autograph.

Salem discharged of its presentment.\*

Major Hathorne appointed to marry, take testimony, etc.

Will† and inventory‡ of Thomas Scudder brought in.

Court is at present destitute of a Clarke by Reason he that was last chosen therevnto is now remoued to the eastward are bold to present Hilliard Veren unto yo<sup>r</sup> worships consideration as one whom wee conceiue meete for that place he beinge at present Clarke of the writts here and his calinge beinge such as doth ocasion his abode at whom also he beinge one that for his integritie we can confide in and doubt not but if yo<sup>r</sup> worships shall see meete to make tryall of him he will giue good satisfaction

“John Gedney§

“Richard Prince§

“Jacob Barney§

“Thoms Gardner§

“Rich. More§

“Moses Mavericke§

“Henry Bartholmew.”§

\*Presented, 25 : 9 : 1657, for an insufficient pound. Wit: John Simons and William Kings of Salem.

†Will of Thomas Scudder of Salem, dated, Sept. 30; 1657, was proved June 29, 1658, by Richard Waters and Capt. William Trask. He bequeathed to “my welbeloued wiffe Elizabeth Scudder, dureinge her life, all my worldly goodes, & estate whatsoever, of houses, landes, Cattle, & all moveable goodes, & vsentles of what kind soever, & all personall estate whatsoever & I doe also ordeine, & make, & appoint her my said Wiffe, my full, & sole Execatrixe after my death onely my desire is that after her death, what shee shall leave, of any of my foresaid personall estate, it shalbe devided amongst my Children, John Scudder, & Thomas Scudder, & Henry Scudder, & Elizabeth Barthelmew, And Thomas Scudder my Grandchilde, the sonne of my sonne William Scudder deesed, & my mynde & will is, that all such estate, as my said wiffe Elizabeth Scudder shall leave after her death, shallbe valewed, & equally devided to my said Children, & Grandchild, & my said Grandchild to have as much as any one of them. Neverthelesse, one Cowe, which I formerlye gave my said wiffe, I doe in noe wise dispose of, butt leane itt wholly to my said wiffe to dispose of itt, as shee shall thinke good.” Thomas (his mark) Scudder.¶ Wit: Richard Water,§ Wilom Traske,§ Joseph (his mark) Boyse and Thomas Deutch.§

‡Inventory of estate of Thomas Scudder, deceased, 1657, taken by Thoms Gardner§ and Joseph (his mark) Boys, and sworn to by

§Autograph.

¶Seal.

James Vnderwood fined.\*

Alister Grimes of Lynn fined for resisting the constable, and John Smith fined for not assisting the constable, Mar. 16, 1658.

Laurance Suthwicke, Josias Suthwick, and Edward Harnett, sr., fined, 8: 1: 1657, for absence from meeting.

On 10: 3: 1658, Laurance Suthwick, Josiah Suthwick, Casander Suthwicke and Samuel Shaddock fined for absence from meeting.

Anthony Needum's wife, John Suthwick's wife and John Smale fined for absence from meeting.

Disorderly meeting at the house of one Nicolas Phelps<sup>1</sup> of Salem on the Lord's day in time of the public worship. William Brend<sup>2</sup> and William Lederay,<sup>3</sup> professed Quakers, were present, but who then made an escape, were apprehended and brought to Salem, acknowledged that they were Quakers, and they were sent to the house of correction. The court sent for Nicolas Phelps,<sup>1</sup> Larence Suthwick<sup>2</sup> and his wife,<sup>2</sup> Josiah Suthwick,<sup>2</sup> John Suthwick,<sup>3</sup> Daniell Suthwick,<sup>3</sup> Provided Suthwicke,<sup>3</sup> Samuel Shaddock,<sup>2</sup> Joseph Pope,<sup>3</sup> Anthony Needdam,<sup>3</sup> Ed. Wharton,<sup>3</sup> Samuel Gaskin,<sup>2</sup> the wife of Henry Traske,<sup>3</sup> wife of Robert Buffam,<sup>3</sup> and his son, Joseph Buffum,<sup>2</sup> Tho. Brockett<sup>3</sup> and John Hill.<sup>3</sup> Many came into court with their hats on, and stood with them on, until the officer pulled them off. At the meeting were, also, Nicolas Phelps' wife, Henry Traske, Georg Gardner's wife, Robert Adams, and Joseph Pope's wife, who did not appear. These were continued to next court. Anthony Needum's wife, for absence five days from meeting, was fined. Those persons whose names are marked (<sup>1</sup>) confessed them-

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his widow, Elizabeth (her mark) Scudder: His house & orchyard, 20li.; three Oxen, 13li.; three Cowes, 9li.; foure sheepe & a lambe, 7li.; two swine, 1li.; Axes & other tooles, 1li.; hempe, 5s. 4d.; two Iron Potts, 10s.; foure brasse kettles, 2li. 10s.; two brasse pans & foure skilletts, 1li. 2s.; two spitts, one pott hanger, fire pan, & tonges, one gridiron, one dripping pan, 14s.; Pewter, 2li. 3s.; one feather bed & bolster & 2 pillowes, 4li.; one bed Coveringe & two blancketts, 1li. 8s.; two paire of sheetes, one pillowe, six napkins, 2li.; one bedd & bolster, 1li.; three sheetes, 10s.; his wearinge apparrell, 3li.; two Cushins & three Curteins, 12s.; two Chests & two boxes, 17s.; one barrell with tallowe, 17s.; Tubbe & pales, 10s.; other Lumber, 10s.; total, 73li. 8s. 4d.

\*Presented for defaming Hanah Howard, insinuating improper relations with Mr. Jeremiah Hubbard. Wit: Mary Golt and Katharine Rootes.

selves to be Quakers and were fined; those marked (2) confessed themselves to be Quakers and were sent to the house of correction; and those marked (3) repented and were released.\*

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\*“The names of psons Conented together the lords day beeing 4<sup>th</sup> 5: 1658 at the howse of Lawr: Southwick: vidz:

“Tho: Brocket

“Jn<sup>o</sup> Small

“Dan: Southwicke

“the wife of Jno: Smith

“the Daughter of Robt Buffum

“Nich Phelps wife

“Isack Page wife

“Sam<sup>l</sup> Shattocks wife

“Jn<sup>o</sup> Southwick wife

“Anto: Nedhams wife

“Hen Traske wife

“Puided Southwick”

“At a priuate meetinge last lords day apprehended these psons followinge

“Nicolas Phelps

“Thomas Brocket

“Daniel Suthwicke

“the wife of Sam<sup>l</sup> Shattock

“the wife of Isacke Page

“the wife of Anthony Needham

“Daniel Suthwicke

“Provided Suthwicke”

“The Court being informed of a disorderly meeting of certaine suspected psons att the howse of one Nicholas Phelps of Salem, on the last Lord Day in tyme of Publique wor<sup>p</sup>, amongst whom there were two strangers willm Brend & will Ledray pffessed Quakers, whoe then made an escape but afterwards were app<sup>h</sup>ended brought to Salem examined by the Court & owneing themselues to be such were sent to the howse of Correccon according to Lawe, the Court also sent for the rest viz. Nich. Phelps, Laurence Southwicke & his wife Josiah Southwicke, John Southwicke, Daniel Southwicke, Provided Southwicke, Samuel Shaddock, Joseph Pope, Anthony Needham, Edw. Wharton, Samuel Gaskin || the wife || of Henry Trask, the wife of Robt Buffam & his son Joseph Buffam Tho. Brockett, John Hill whoe comeing before the Court many of them w<sup>th</sup> their hatts on, & soe standing till by the Officer they were pulled of. after examinacon & conviccon the Court then pceeded Nich. Phelps att whose house the meeting was held, was fyned 40<sup>s</sup> Laurence Southwicke & his wife & Josiah Southwicke whoe formerly had bene — the howse of Correccon & still owneing themselves to be of that psession — resent to the howse of correccon,



COURT HELD AT SALEM, 20:5:1658, BY ADJOURNMENT.

Present: Worshipful Mr. Symond Broadstreet, Maj.-Gen.

Samuel Shaddooke Joseph Buffam Samuel Gaskin | obstinately | owning themselves to be such as are called Quakers. were likewise sent to the howse of Correcon, all the rest of them were according to Lawe | convicted | of the euill of their wayes & practises. Laurence Southwicke & his wife Josiah Soutwicke, Sam<sup>l</sup> Shaddock the wife of Anthony Needham & the wife of John Southwicke, who haue formly bene convicted for absenting themselues from the publ wor<sup>p</sup> & service of god were nowe, each of them convicted for 5. dayes absence from the publ meeting on the Lords Day | since their form<sup>r</sup> conviccon | for w<sup>ch</sup> they would render noe iust acc<sup>t</sup> & therefor the Court declared they were to pay 25<sup>s</sup> a peece for their s<sup>d</sup> offence

"att the s<sup>d</sup> meeting there was besydes theis menconed Nich. Phelps his wife Henry Traske, the wife of Georg Gardn<sup>r</sup> Robt Adams & the wife of Joseph Pope, whoe not appearing, are to be peeced w<sup>th</sup> att the next Sessions of this Court & accordingly the Clerk is to send out pces for their appearance

"It is also found that the wife of Anthony Needham hath absented herselfe 5. dayes — the publ meeting on the Lords day since her last conviccon — Court declared that according to Lawe | she is | to — for her s<sup>d</sup> offence"

"the 22 . 8 . 57

"We hose names ar under written beinge apointed by the too Townes to lay out a cuntrie way be twine the too Townes Salem & Topsfeld we began vpon John Porters farme acordinge as the trees ar marked and so alonge vpon Daniell Rayes farme too pole brod and so thoroh the woods to a farme of John Porters wich was formerly m<sup>r</sup> Kenistones and so thoroh the woods to a farme of John Porters wich was formerly m<sup>r</sup> Dounings and so thoroh the woods to the Rever against Gudman Townes house and this we have don accordinge to our best descretion

" John Porter\*

" William dodge\*

" Thomas Borman\*

" frances pabody\*

"This was alowed of by the court (as it is layd out) held at Salem 29th of June 1658

Robert Lord cleric"

List of presentments, dated, last: 4: 1658, and signed by Thomas Loughton,\* in the name of the rest of the jurors.

Richard Gardener, John Kitchin and his wife, John Hill's wife, and Richard Sibley's wife, all of Salem, presented for frequently absenting themselves from the public preaching of the word of God upon the Lord's day. Wit: Mr. David Kirwithy, Mr. Edmond Batter, Phillip Verrin and Henry Renhols.

\*Autograph.

Danyell Denyson, Maj. William Hawthorn and Mr. William Hubbard.

The marshal was ordered to pay Henry Scerry, sr., constable in Ruben Guppy's matter, as soon as the money was obtained of Guppy.

Alce Chichester's charge at the time of her abode in Salem, for maintenance of herself and child, to be paid three-fourths by Salem and one-fourth by Marblehead.

Joseph Armytage fined for rashly swearing four times in one evening, saying, "I vow to God," and for threatening speeches to George Keiser. The latter allowed six shillings for his own and two other witness fees.\*

Anthony Needom's wife and Joseph Pope's wife fined for being at a disorderly and offensive Quaking meeting.

John Southwick, Richard Gardener's wife, John Smale and Robert Buffam's wife fined for absence from meeting.

Nicolas Phelps and his wife and Henry Traske fined for being at a Quaking meeting and absence from public worship.

Henry Traske's wife to pay costs for her first offence.

Danyell Sothwick fined for being twice at a Quaker meeting, and to pay costs for absence from meeting.

Provided Sothwick fined for absence from meeting and for being present at two Quaker meetings; also to be set by the heels in the stocks an hour for calling the court persecutors.

Thomas Brakett fined for being twice at a disorderly Quaking meeting and absence from meeting.

George Gardener's wife, Samuell Shaddock's wife and Isaac Page's wife to pay costs for being at disorderly Quaking meetings and absence from meeting.†

Abraham Whiteere sworn constable for Manchester.

\*He was of Lynn, and presented for rashly swearing three or four times in one evening, saying "I vow to God." Wit: Bray Wilkins and George Keasser. Summoned to court by Thomas Newhall, ‡ constable, 5: 5: 1658.

†Warrant to summon many accused of absence from meeting, being professed Quakers, etc., to answer at court. Wit: Mr. David Corwithy, Mr. Edmond Batter, Phillip Veren and Henry Rennolds, signed by Hillyard Veren, ‡ clerk, 5: 5: 1658; served by James Underwood, ‡ constable of Salem.

‡Autograph.

John Garven, Goodman Gible's servant, fined for abusing Richard Middleton, servant to John Puttman, by smiting him violently with a stick.\*

John Norman fined for abusive speeches, etc., to Abraham Whiteer, who was appointed to receive pay for masts cut and carried away from the town of Manchester. Norman objected to paying, and turned the mast upon Whiteere's leg, breaking the skin and shedding blood. Also, for saying that Whiteer should knock another boy in the head to get money.†

Robert Adams to pay costs for being at a disorderly Quaking meeting at Nicolas Phelps' house.

John Smith's wife and Edward Wharton to pay costs for absence from meeting, the former having been at a Quaking meeting.

Nicolas Phelps' wife to pay costs of court for being at a Quaking meeting and absence from meeting, and to be admonished for abusing John Smith, as he was assisting the constable.

Nicolas Phelps fined for defending a Quaker's writing, and sent to the house of correction at Ipswich for an indefinite time for confessing himself a Quaker.

Abraham Warren of Salem presented for violently withstanding John Bachelor on the latter's ground, attempting to drive back the cattle feeding there. Warren went to his own house and returned with his naked sword in his hand, saying that he would then stop them.‡

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\*Wit: Nathaniell Putnam and Joseph Huchenson. Summons served by James Underwood,§ constable of Salem.

†John Norman was of Manchester, and cut the mast from the town common. Wit: Henry Lee, Samuell Walton and Abraham Whithaire. Summons served by James Standish,§ constable of Manchester.

John Harris and Nathaniel Walton testified that Abraham Whiteheare demanded of John Norman pay for masts, which he had drawn down to the water's side, and Whiteheare sat down upon the top of the mast. Norman told the men to throw the mast upon Whiteheare if he would not get up, which they did, and told him to go knock another boy in the head to get more money. Sworn before Daniel Denison,§ July 20, 1658.

‡Wit: John Bacholor, aged about forty-seven years, and Michael Cresse, aged about thirty years, who deposed.

§Autograph.

John Dixy to answer Mr. Edmond Batter for saying that he paid ten shillings to Mr. Moore for telling a lie.\*

Phillip Veren and Mr. Corwithy allowed witness fees.

Servants of the house to have 7s. 6d.

Keat, Goodman Rumb'l's negro, to be severely whipped for uncleanness.†

Will‡ of James Patch, deceased, proved, 8: 7: 1658, and his

Bill of charges of John Bachilor.

Summons served by Rogger Heskell,§ constable of Bass River side, Salem.

\*Joshua Turland, aged about twenty-three years, deposed that John Dixie said to Sauml. Morgan and himself, "Do you not heare what newes from Court: Mr. Batter pd ten shillings in money to Rich. More for tellinge of a ly," etc. Samuell Morgen deposed the same. Both sworn in court before Hilliard Veren,§ cleric.

†Katharine, the negro servant of Daniel Rumble, presented for uncleanness.

‡Will of James Patch, dated, Aug. 7, 1658, was proved, 1: 9: 1658. He bequeathed to "my beloved wife Hannah Patch, my house and lands, orchard, and all appertaynances of it, belonging to my home groundes, together with that parcell of meadow, Laying near Rich. Dodges, as also two Cowes, together with ten acres of Roockey land laying on the east side of the home lott, For wood: as also all the household stufte, in the house for the competent bringing up of the children. I give and bequeath unto my Son James Patch, all my part of the Farme (called Knights farme) both vpland & meadow, all my right there be it more or lesse: together with the two youngest Oxen, and the horse. I doe nextly Give and bequeath vnto my Daughter Mary Patch y<sup>e</sup> two oxen that are oldest; togeth<sup>r</sup> with one Cow, and also ten acres of vpland, Laying neare Sawyers Playne.

"Vnto my Daughter Elizabeth Patch I give and bequeath by will, my two middle Oxen, as also one Cow, together with twenty acres of vpland laying by the Land, called Eastyes land, and Joyneing next vnto the sayd land. I doe also by my will appoint my Beloved wife Hanna Patch to be my lawfull exsequitrix, to administer vpon my estate to Receive my dues, to discharge all debts, of mine; with the remainder of my estate, Corne Cattell or other goods, whare belongeing vnto me. Farther more I doe by will Constitute and ordayne & appoint my two Brothers, viz. Nicholas Woodberry & John Patch, to be overseers of this my last will; and to act and Doe in reference vnto my Estate, wife & children, as overseers & Feofeyes of trust accord. to Law & reason vse to doe." James Patch.§ Wit: Tho Lowthropps and John Hill.§

§Autograph.

wife, Hannah, appointed executrix. Inventory\* amounted to 250li. 16s.

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\*Inventory taken, 27 : 6 : 1658, by Richard (his mark) Brackenbury, John Thorndike,† Zabulon Hill† and John Hill† : One dwelling house & barne, one orchyard & 5 akers of land improued, 50li. ; 4 akers of Indyan Corne, 8li. ; 10 akers of land Rookey, 2li. ; 3 akers of meadow, 9li. ; 10 akers of land nere Sawyers plain, 10li. ; 20 akers of land nere Eastyes lot, 10li. ; one third part of knights his farme, 20li. ; 6 oxen, one payr, 13li., the next, 12li., the worst, 11li., 36li. ; one horse, 12li. ; one young Colte, 4li. ; 4 Cowes, 12li. ; one yearing & 2 Calves, 3li. ; one ewe, one weather, one Rame, one Lambe, 3li. ; 2 hogges & 4 smal pigges, 3li. ; one third part of a shalop, 10li. ; 7 barrills & better of mackeril, 9li. ; one waggon, 1 pr. of wheels, 2 plowes & plowtackle, 5li. ; axes & workseing tooles, 1li. ; 2 musketts & bandeliers, 1 fowleing piece & sword, 3li. ; 2 bedds, bedclothes, sheets, Curtain & aperteinances, 14li. ; wearing aparaille, 11li. ; 1 yard of broad Cloth & 2 yds of peniston, 1li. ; 2 Iron potts, 1 kettle, potthookes, Rackes & 3 Iron wedges, 1li. 12s. ; 2 brasse kettles, 3 skellitts, warming pan & Skimer, 2li. ; 1 lanthorne besides pewter, lattin ware, smoothing Iron, hourglasse, portingale ware, mortar & pestill, 1li. ; 2 Chests, 2 boxes, 1 wheele & wooden ware, 2li. ; 12 pound of Cotten wooll, 12 pound of flax, 12 pound Linen & 8 pound of Cotten yarne, 4li. 4s. ; 1 Doung forke, howes, 1 payr of Cardes & frying pan, 1li. ; English corne & flax undrest, 3li. ; total, 250li. 16s.

Summons to draw trial jurors from Salem, and summon grandjurymen ; to summon Thomas Avery and Samuell Shaddock for absenting themselves from public worship ; town of Salem for insufficiency of the highway between Lynn and Ipswich near Tho. James' house and insufficiency of the pound ; and witnesses, Jno. Ruck, George Norton, Sam. Archard, Jno. Simones and Wm. King ; dated, 1 : 2 : 1658 ; signed by Elias Stileman,† clerk ; served by James Underwood,† constable.

Summons to draw trial jurors from Lynn, and summon grandjurymen ; to summon Mr. Olliver Purchass, Henry Leanord and Richard Blood to answer presentment for taking iron away from the officer after he had attached it ; and witnesses, Dan. Salmon and Jno. Hathorne ; dated, 1 : 2 : 1658 ; signed by Elias Stjleman,† clerk. Drew for trial jurymen : Ensign Spencer, Sargent Deacon, Edward Richards, Henry Silsbee and Robert Rand ; and for the new constables, Richard Rootone and Thomas Newell, jr. Served by Richard Blood,† constable.

Venire, to constable of Gloster, to draw a trial juryman, and to summon grandjurymen ; dated, 1 : 2 : 1658 ; signed by Elias Stileman,† clerk ; served by Robbert Elwell.† Richard Window was chosen trial juryman, and John Davis, grandjuryman ; the latter

†Autograph.

chosen by reason of some weakness in the family of the old grand-juryman, his wife being sick.

Venire, to constable of Wenham, to draw trial juryman and grandjuryman; dated, 1 : 2 : 1658 ; signed by Elias Stjleman,\* clerk. Wit : Robt. Gouwin and Tho. White. Austin Killam drawn grand-juryman, and Richard Kemball for trial juryman.

" This to y<sup>e</sup> Magestrats in Court at Salem

" Friends wharas it was you<sup>r</sup> pleasures to Commit vs whose names are vndar written, to y<sup>e</sup> house of Corection in Boston, though y<sup>e</sup> lord y<sup>e</sup> Righteous Judge is o<sup>r</sup> wittnes y<sup>t</sup> we had don nothing worthy of stripes or bonds, & we being Comited by order from y<sup>e</sup> Court, to be delte with all as y<sup>e</sup> law puids for foriane Quakers as yo<sup>w</sup> please to call us. & hauing some of vs sufared you<sup>r</sup> law & pleasurs. now y<sup>t</sup> w<sup>ch</sup> we doe expect is. y<sup>t</sup> wharas we haue sufared y<sup>e</sup> law, so now to be set free by y<sup>e</sup> same law (if yo<sup>w</sup> act by a law) as you manar is w<sup>th</sup> strangars, & not to put vs vpon y<sup>e</sup> account of one law, & execute another law vpon vs. of w<sup>ch</sup> according to you<sup>r</sup> one manar we ware neuer Conuicted of. then as y<sup>e</sup> law express, if yo<sup>w</sup> had sent vs vpon y<sup>e</sup> account of y<sup>e</sup> new law. we should then haue expected y<sup>e</sup> Gailors ordars to haue bin vpon y<sup>t</sup> account, w<sup>ch</sup> y<sup>t</sup> it was not appeares by y<sup>e</sup> worant w<sup>ch</sup> we haue & y<sup>e</sup> punishment w<sup>ch</sup> we beare, as four of vs w<sup>ch</sup> was whipt. amongst whome was Casandra Suthick who had formerly bin whipt & now allso according to you<sup>r</sup> formar law ; Freinds let it not be a smal thing in you<sup>r</sup> Eyes. y<sup>e</sup> Expossing as much as in yo<sup>w</sup> lyeth our famelies to Ruin, its not vnknowe to yo<sup>w</sup> y<sup>e</sup> season & time of y<sup>e</sup> yeare. for those y<sup>t</sup> liue of husbandry, & what thare Cattal & famelies may be exposed vnto. & also such as liues on trade. we know if y<sup>e</sup> spirit of Christ did dwell & Rule in you these things would take impression vpon you<sup>r</sup> harts. w<sup>t</sup> o<sup>r</sup> lines & conuersations haue bin in y<sup>t</sup> place is well knowne, & what w<sup>e</sup> now sufur for is much from falce Reports & vngrounded Jealousie of heresie & sedition, these things lyes vpon vs to lay before yo<sup>w</sup> ; as for o<sup>r</sup> parts we haue trew peace & Rest in y<sup>e</sup> Lord, in all ou<sup>r</sup> sufarings, and are made willing in y<sup>e</sup> powar and strength of god freely to ofar vp o<sup>r</sup> liues in this cause of god, for w<sup>ch</sup> we sufur, yea & we doe find through grace, y<sup>e</sup> inlargments of god in o<sup>r</sup> imprisoned estate to whome alone we Comit o<sup>r</sup>selues & families, for y<sup>e</sup> disposing of vs according to his infinite wisdom & pleasure in whose loue is o<sup>r</sup> Rest & life

" Lawrance Suthick

" Cassandra Suthick

" Josiah Suthick

" Sam<sup>l</sup> Shattock

" Joshua Buffum

" From y<sup>e</sup> house of bondage in boston whar in we are made Captiues by y<sup>e</sup> will of men although in measure made free by y<sup>e</sup> Son ioh : 8. 36 in w<sup>ch</sup> we Quietly Rest this 16<sup>th</sup> 5<sup>th</sup> mo. 1658."

\*Autograph.

## COURT HELD AT IPSWICH, 28: 7: 1658.

Judges : Mr. Symon Brodstreet, Mr. Samuel Symonds, Major-General Denison, Mr. William Hubbard and Major Hathorne.

Grand jury : Serg. Rich. Jacob, Willim. Addams, sr., Dan. Warner, Tho. Emerson, Tho. Harte, Fran. Plumer, Abell Huse, Rich. Petingall, John Pickard, Sam. Brocklebanke, John Tode, Robert Andrews and George Abbott.

Jury of trials : Georg Giddings, Tho. French, Hump. Vinsent, James How, Will. Wyld, John Gage, John Knight, John Poore, Will. Assye, James Barker, John Palmer and Isaacke Comings.

John Ossgood and Andrew Allen of Andover and Tho. Hale of Newbury made free.

Mr. Edward Woodman of Newbury allowed to marry and administrator oaths.

Civil cases :—

John Hakes v. Mr. Joseph Cooke. For taking away a young mare. Verdict for defendant.\*

\*Edward Collins† affirmed concerning the mare colt in controversy that he believed that the colt Mr. Cook brought from Isack Harte of Redding was the same that deponent sold him about two years since with its dam ; his servants affirmed the same. Dated at Medford, Sept. 26, 1658.

Isack Harte, aged about forty years, deposed that the colt belonged to John Hawks of Lynn, and the latter had given it to said Harte to keep. Dated, 29: 1: 1658, and sworn before Edward Johnson, commissioner of Woburn. Copy made by Robert Lord,† cleric.

Thomas Hutchison testified that his father-in-law, Addam Hakes, gave this colt to his son, John Hakes. Sworn in Ipswich court, Mar. 30, 1658. Copy made by Robert Lord,† clerk.

At court at Cambridge, Apr. 6, 1658, Mr. Joseph Cooke of Cambridge v. Isaack Hart of Redding. Case about a stray colt. Verdict for plaintiff. Copy of record.

Writ, dated, Mar. 20, 1658 ; signed by Willm. Cowdrey, for the court ; and served by Thos. Hartshorne, constable, who attached the black colt, house, orchard and two acres of land adjoining. Copy made by Thomas Danforth,† recorder.

Copies of the following depositions on file in Cambridge court : Jno. Goold, aged forty-seven years, testified that Isaack Hart came to his house and laid claim to a black mare colt of Solomon Phips of Charl Towne, which was with Mr. Shepard's mare. He had

†Autograph.

Mr. Robert Payne v. Richard Shatswell. Debt. Verdict for plaintiff.

seen Harte's mare with Farmer Greene's horses. Mr. Goold's man was Thomas Geerish, aged eighteen years.

Jno. Browne, aged twenty-seven years, testified that Isaacke Hart said that the colt was in partnership between Jno. Hawkes of Linne and himself, and he bought a half part of his brother, Jno. Hawkes; that at the end of seven years they were to divide the increase, and she was brought to Cambridge and the rest of the horses were left at Goodman Peirsons' house, which they did, before him and his wife and Jno. Dawes.

Daniel Deane of Misticke, aged twenty-six years, and Thomas Brigs, aged twenty-two years, also testified that that colt was bought of Edward Collins on Mar. 13, 1657.

Richard Brush, aged eighteen years, servant of the plaintiff, testified that his master and Jno. Browne brought the colt from Redding.

One [Owen?] Swinn, aged sixteen years, and Abraham Howell, aged twenty-six years, both servants of the plaintiff, also testified.

The foregoing depositions were copied by Thomas Danforth,\* recorder.

Samuel Hutcheson, aged about forty years, testified that he marked John Hawkes' colt, etc. Sworn, 23: 7: 1658, before Thomas Marshall,\* commissioner.

Gregory Stone of Cambridge, aged about sixty-seven years, testified about Mr. Cooke claiming a colt he had in pound, etc. Sworn, 18: 7: 1658, before Richard Russell,\* commissioner of Charlstowne.

Copy of deposition of Addam Hakes, aged about fifty years, who testified that this was the colt he gave his son, John Hakes. Sworn in Ipswich court, 30: 1: 1658.

John Gould, aged about forty-eight years, also testified. Sworn before Thomas Marshall,\* commissioner of Lynn.

Copy of deposition of Elizabeth Hearte, aged about thirty-five years, that both she and her husband knew the colt her master Cooke had attached, etc. Sworn before Edward Johnson, commissioner of Wooborne, 26: 1: 1657-8. Copy made by Robert Lord,\* cleric.

Copy of depositions of Mathew Edwards, aged twenty-five years, who testified concerning the marks. Sworn, 30: 1: 1658, in Ipswich court. Copy made by Robert Lord,\* cleric.

Copy of deposition of William Eaton, aged about fifty-four years, and John Eaton, aged twenty-two years, who testified that they ran a hot pitchfork tine through the colt's ear, etc. Sworn, 1mo: 1658, before Edward Johnson, commissioner of Wooborne. Copy made by Robert Lord,\* cleric.

\*Autograph.



Richard Shatswell v. Robert Roberds. Appeal from a judgment granted by Major-General Denison, Sept. 17. Verdict for defendant.\*

Margret Scott, widow v. Richard Shatswell. Trespass. For ploughing up her land and felling trees or causing trees to be felled on her ground.†

\*Copy of warrant to Richard Shatswel to appear and answer complaint of Robert Roberts, for trespass, taking half a load of wood off his cart; dated, Sept. 3, 1658. Appealed.

Willm. Dellow, aged about thirty years, testified that he saw Robert Roberts about loading wood within the common fence, and he forbade him, by order of his master Shatswel. Roberts brought a warrant, whereupon deponent allowed him to load his cart. When Shatswel appeared, he pulled the wood off the cart, etc.

Thomas Harris, aged about forty years, deposed that he helped load the wood, etc.

John Gage deposed that the tree Roberts cut the wood from grew upon the land of Goodman Scott, etc.

William Dellow and Robt. Punnil, servants of Richard Shatswel, also testified.

Tho. Clarke testified that Shatswel ordered him to fell the trees at his farm; deponent was to have the bark, and Shatswel, the remainder.

Copies of the foregoing depositions made by Daniel Denison.‡

Richard Shatswell's reasons of appeal. He claimed that what he did was upon the land that he and his father had enjoyed unmolested for twenty years, etc.

Robert Roberts' answer.

†Writ, dated Sept. 23, 1658; signed by Robert Lord,‡ for the court; and served by Theophilus Wilson,‡ constable.

Richard Jacob and John Gage deposed.

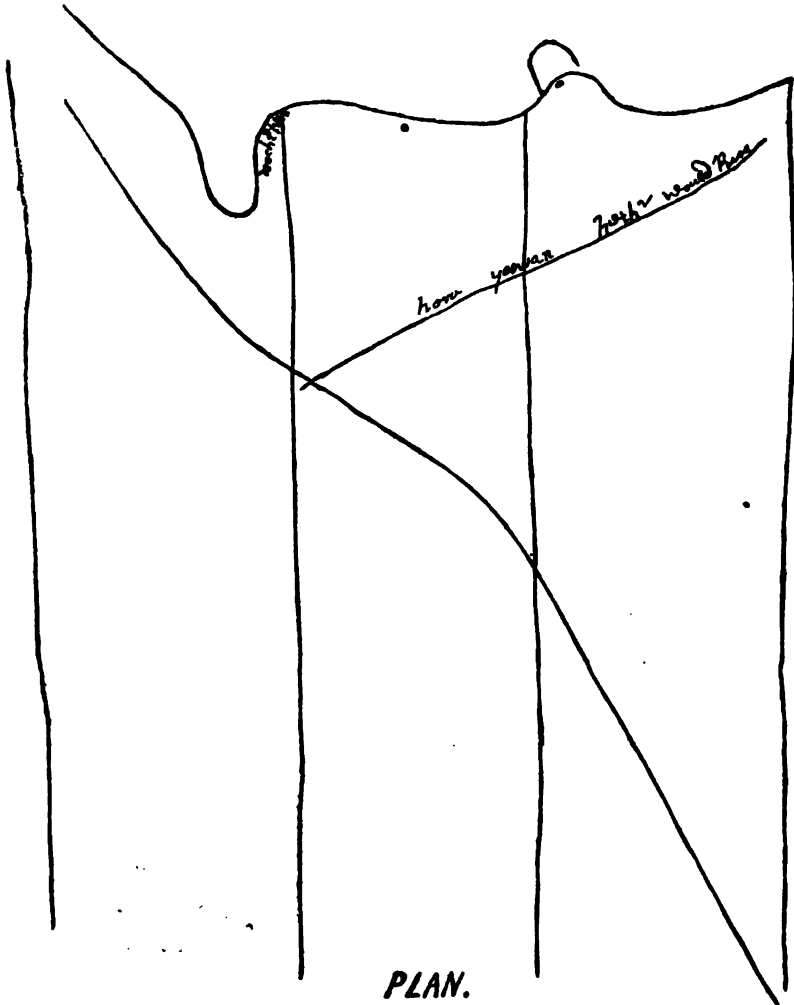
Richard Kimball, jr., deposed that his "uncle Scott chalenged the upland downe to the marsh & his son after him, while I lived on goodman shatswells farme for the space of seaven years." Sworn in Ipswich court, Sept. 28, 1658.

Theophilus Wilson deposed. Sworn, Sept. 28, 1658.

William Smith, aged about twenty-six years, deposed that when he hired Richard Shatswell's land of Richard Kimball, about six years ago, old Goodman Scot showed him the bound stakes, which were in the hollow near the east end of the birch swamp and also next to Hutley's lot, etc. Sworn in Ipswich court, Sept. 28, 1658.

Androw Aling, aged about forty years, deposed that, being servant to John Shatswell, he mowed the lot from the tree at the point of Brodstreet's lot, which now they call Hutlyes; also all the upland

‡Autograph.



**PLAN FILED WITH THE PAPERS IN THE CASE OF MARGARET SCOTT,  
WIDOW, V. RICHARD SHATSWELL.**

The inscription on the original plan reads: "here goodman sheehwell  
would Run."

Robert Payne, executor to John Ward v. Humphry Griffn. Debt, due by bond. Verdict for plaintiff.\*

Mr. Robert Payne v. Humphrey Griffen. Debt on bond. Defendant acknowledged judgment.

Mr. Symon Brodstreet v. Thomas Mayhew. Debt. For breach of covenant in not paying an annuity and other sums of money, expressed in a writing, and for forbearance for divers years. Verdict for plaintiff; but no judgment entered on account of defendant being out of this jurisdiction.†

Mr. Willim. Bartholmew, attorney to Mr. Tho. Potter and Mr. Thomas Davis of London v. Capt. John Allen. Debt due by bill. Nonsuited.

Francis Ursellton fined for drunkenness, swearing and cursing. Wit: Marke Bachelour, Peeter Whithaire and Willim. Reiner. Bound to good behavior.

Richard Hutton fined five shillings for suffering some to drink too much liquor in his house.

Granted to Daniell Clarke, administration on estate of Andrew Creeke. Amount of inventory‡ was insufficient to pay bills, by 40s.

to the cove of reeds and all the other coves to the great pond between the island and reedy marsh bridge. Sworn in Ipswich court, Sept. 23, 1658.§

\*Writ: Humphrey Griffn of Ipswich, butcher, ordered to appear on complaint of Mr. Robert Payne, executor of John Ward of Ipswich, chirurgeon; debt; signed by Robert Lord;¶ and served by Theophilus Wilson,|| constable, Sept. 23, 1658, by attachment of house, barn and corn.

†Bond of Humphrey (his mark) Griffn,¶ dated, Oct. 16, 1652. Wit: John Payne|| and Walter (his mark) Roper.

‡Writ, dated, 14: 7: 1658; served by attachment of goods in the hands of Mr. Hezeciah Usher in Boston, 21: 7: 1658, by Rich. Wayte,|| marshal of Suffolk county.

§Inventory of estate of Andrew Creeke, appraised by Frances Pabody and Robert Andrews of Topsfield, Sept. 17, 1658: Old clothes, 1li. 3s. 6d.; his sute of better cloths, 2li. 6s.; bannds, bandstrings & handkerchers, 13s. 6d.; a hatt, 13s. 6d.; a bottle, two knives & a spoone, 1s. 10d.; an ax, 2s.; a shirt, 2s.; a pott & pothookes, 10s.; a baskett & a paile, 1s.; a rapier & a belt, 16s.; a cowe in Mathy Stanlyes hands, with a yeares rent almost due. 4li.

§On file with the evidence in this case is a plan which is reproduced on the opposite page, reduced one-half in size each way.

¶Autograph.

‡Seal.

Richard Moore v. Edward Prescott. Debt. Verdict for plaintiff at last Salem court, but no judgment was entered because it was out of that court's jurisdiction. Judgment now granted.

Court ordered testimony in Mr. Jo. Gifford v. Mr. Hen. Webb delivered to Maj. Will. Hathorne to carry to the General Court, and return it safe to the clerk of the Salem court.

Mr. William Bartholmew licensed to sell strong waters for one year.

Cormock Hasseldine admonished for entertaining men's servants.

Stephen Swett of Newbury had his license to keep an ordinary and sell wine renewed for one year.

Joseph Mussye fined in his presentment, and to pay witness fee of Thomas Seers.\*

8s. ; dew to him of his wages, 6li. ; a heifers Hyde at the taners, 7s. 6d. ; 12s. received of Mr. Apleton, 17li. 17s. 4d. The debts wch. the sayd Andrew owed when he dyed wch. doth allreadye appeare : Oweing to his master Daniell Clarke when they reckoned for his last yeares wages, 11s. ; payd to Mr. Wade for a sute of cloths for him, with making of them & a paire of stockings, 3li. 10s. ; a paire of knit stockings & a shirt, 12s. 6d. ; for shoes & leather, 6s. 6d. ; payd John Newmarsh his wife for making bands, 2s. 4d. ; payd to Goodman Wooddam for him, 2s. ; payd to Mr. Willson, 1s. & to Deacon Knowlto, 3s. 4s. ; oweing to John Tod, wch. Dan. Clarke is engaged for, 2li. 16s. 9d. ; oweing to Mr. William Payne, 4li. 12s. ; oweing to Mr. Baker, 1li. 18s. ; oweing to Tho. Lovell, 1li. 3s. ; oweing to Mr. William Norton, 1li. ; oweing to Robert Lord, 1s. 6d. ; coffin & wynding sheet & other charges for his buryall, 1li. 8s. ; oweing to John Andrews, 12s. 7d. ; oweing to Humphry Griffen, 7s. ; for tyme Daniell Clarke spent to bring in an Inventory & for entring the order of administration & other fees, 9s. ; total, 19li. 16s. 2d. Sworn by Daniell Clarke, 29 : 7 : 1658, before Robert Lord, † cleric.

\*Thomas Seers deposed that being in the field at work "I heard one cry out, not seeing who it was because there was a barne between us. I went on purpose to see, and I saw Joseph Mussey strike, but did not see y<sup>e</sup> boy but I heard the boy cry out, you Rogue you have crippled mee ; Joseph Mussey did reply it is no matter I will give you more by & by. Joseph Mussey did acknowledged that hee did strike the boy." Sworn, May 6, 1658.

Jaudush March deposed that "coming to Thomas Seeres his hous the last yeer and hearing ane out cry a littell way from the plase in the lot I went to see what the matter was. I sawe Josef Mozzy

†Autograph.

Mr. Jonathan Wade v. John Fuller. For testifying upon oath that which was not true. Though the court did not find that he did speak wittingly untruly, he was admonished for not so warily speaking as he should.\*

Moses Pengry was licensed to keep an ordinary and to sell wine in Ipswich for a year.

John Andrews was given liberty to continue his ordinary until Mar. 1, next; the other to provide himself in the mean time.

Sergeant Belcher confessed that he sold strong water to Ned Indian, three gallons at two times, which was so fusty that the English would not buy it; further that he let Ned Indian have a pound of powder and shot sufficient to kill some fowl for him while he was his servant and lived in his house. Fined.

Jeremiah Belcher informed that Hugh Gullison sold to Indians fifty gallons of strong water, as he was informed by Judith Mendum.

Joseph Reding was released from ordinary training, paying six shillings and eight pence per annum for the use of the company.

strickeing John Knights servant as hee has heer acknowledged under his own hand befor 2 witnesses and I see his arme looke blacke." Wit: John Knight† and John (his mark) Poore.

Mary Seers deposed that seeing Josef Muzzy and Williame Nef, John Knights' servant, coming down the lot, she heard Nef say, "O, you haue broock my arme;" and she heard Muzzy say he would give him some more by and by, and she saw his arm was black.

\*Edmond Bridges, aged about forty-six years, deposed that he was present in court when Mr. Wade was questioned for dear selling of grindstones and other goods, and he, said deponent, saith he heard Richard Brabrook and John Fuller affirm that the grindstones they had bought of said Wade, at 16s. each, did not measure more than twenty-two inches. Also Mr. Wade sold the linen cloth for 4s. 6d. per yard, and the cotton cloth for 3s. 8d. per yard, which John Fuller affirmed that he saw on Mr. Wade's book. Sworn in Ipswich court, Sept. 28, 1658.

Daniell Epps deposed the same, and Goodman Fuller said that he could not take his oath about the cotton cloth, "but he was sure that his wife and Irish that was at home would take there oath to that allsoe." Sworn in Ipswich court, Sept. 28, 1658.

Jonathan Wade, jr., deposed that concerning the linen cloth in question he himself made the price of it when it was out off and delivered to the servant of John Fuller, and deponent set down the price in the day book at 4s. per yard, etc.

Edward Browne and Robert Lord deposed the same. Sworn in Ipswich court, Sept. 28, 1658.

†Autograph.

Thamar Quilter bound house and land, according to her interest in it for her life, to the county treasurer, conditioned to save the town of Ipswich from any charge about the child of her daughter Mary.

Samuell Shattuck fined thirty shillings for being at a Quaker meeting two Lord's days, and two days' absence from public meeting. Confessed.

Nicolas Phelps fined for a like offence.

Joshua Buffum fined fifteen shillings for one day's presence at a Quaker meeting and one day's absence from public meeting.

The above three, for persisting still in their course as Quakers, were committed to the house of correction, there to be kept until they gave security to renounce their opinions or removed themselves from the jurisdiction.

Henry Skerry sworn constable for Salem for this year.

Edmond Bridges, jr., released from his bond for good behavior.

Zacheous Goold to be summoned to appear at next court to answer complaint of abusive carriages in the meeting house.

Ordered that such as were bound to secure the town from any charges of Hackaliah Bridges' child by Mary Quilter, pay two-fifths of what they subscribed in the bond unto the widow Quilter at or before February 1st next and they should be discharged of their bond, and those who did not should be liable to pay the whole amount.

Administration upon the estate of Susan French, deceased, was granted to her son John French.

Mr. Baker's license was renewed for one year.

Upon complaint against Mr. Robert Payne for selling dear, it was decided that the letter of the law was broken, but no moral evil was intended, and he was fined six shillings and eight pence.\*

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\*Robert Payne presented 7 mo: 1658, for overcharging in trade. Abigail Willson deposed, Sept. 29, 1658.

Ann Farro, wife of Georg Faro, aged about forty years, deposed that she bought a parcel of green cotton of Mr. Robert Payne and he told her that the price of it was three shillings eight pence by the yard, which she thought was too much for such thin cotton and not a yard wide; and she bought another parcel of red cotton at four shillings eight pence per yard, which he told her was the price of it. Sworn, Sept. 29, 1658, in Ipswich court.

Mehitabell Bridges deposed that her father gave her liberty to

Mr. William Bartholmew fined ten shillings for selling dear.

William Goodhue discharged of complaint against him for taking great wages for his son.

Court allowed five shillings to the house.

COURT HELD AT IPSWICH, NOV. 30, 1658.

Corp. John Andrews acknowledged judgment, before Mr. Symon Brodstreet and Major-General Denison, to James Brading of Boston.

Mathew Whiple, dying intestate, his widow Mary Whipple was appointed administratrix, Nov. 30, 1658, by Simon Bradstreet and Major-General Denison.

buy some things of Mr. Robert Payne, who said the linen cloth was five shillings per yard, but he could not tell what it would be in the future until he had been in the Bay. Sworn in court, Sept. 29, 1658.

Mary Dutch, wife of Robert, deposed that her husband, who had gone to sea, bought some cloth of Robert Payne before he went, and so did the wife of Shore Willson, etc.

Inquisition upon the body of Nathl. Dummer, 23 : 7 : 1658 :—

“we whose names are hereunto subscribed being called to view y<sup>o</sup> dead body of Nathaniell Dummer y<sup>o</sup> sonne of M<sup>r</sup> Richard Dummer & having seene & considered y<sup>o</sup> place of y<sup>o</sup> river where y<sup>o</sup> sayde childe fell in, and spoken with such as could give any evidence in the case doe in answer to y<sup>o</sup> law agree & give it as our verdict that y<sup>o</sup> sayde childe above named probably fell out of a canoe where he was playing alone, & help being nott at hand it being about an howre before y<sup>o</sup> body was found was then taken up dead,” etc. Dated, Sept. 23, 1658. Signed by William Bartholmew,\* Moses Pengry,\* Thomas Knoulton,\* Thomas Nowell,\* Tho. Clarke,\* Theophilus Wilson,\* John Kendrick,\* John Morse,\* Robert Whitman,\* Shoreborne Wilson,\* Thomas Lord\* and Samuel Williames.\*

Newbury marriages, 1657 :—

Thomas Hale and Mary Hutchinson, May 26.

Samuell Moody and Mary Cutting, Nov. 30.

Newbury births, 1657 :—

Joshua, son of John Baily, Apr. 20.

Mary, daughter of Francis Browne, Apr. 15.

James, son of Nicholas Noyes, May 16.

Samuell, son of William Trotter, June 5.

Daniell, son of Daniell Thurston, July 2.

Jonathan, son of Christop. Bartlet, July 5.

\*Autograph.

Johanna, daughter of James Jackman, June 14.  
 Joseph, son of Richard Dole, Aug. 5.  
 Sara, daughter of John Woollcut, Aug. 23.  
 Elizabeth, daughter of Aquilla Chase, Sept. 13.  
 Sara, daughter of Richard Browne, Sept. 7.  
 Mary, daughter of John Knight, Sept. 8.  
 Mary, daughter of Thomas Seers, Oct. 30.  
 Sara, daughter of Robert Savory, Nov. 11.  
 Joseph, son of Steven Swet, Nov. 28.  
 Thomas, son of John Pike, Dec. 7.  
 Mary, daughter of John Bond, Dec. 16.  
 Hannah, daughter of Richard Bartlet, Dec. 18.  
 Mary, daughter of Tristram Coffin, Nov. 12.  
 Jonathan, son of David Wheeler, Jan. 6, 1657.  
 Elizabeth, daughter of Nathaniel Weare, Jan. 5, 1657.  
 Lidia, daughter of William Titcomb, Feb. 21.  
 Silvanus, son of Samuel Plummer, Feb. 22.  
 Mary, daughter of Robert Morse, Feb. 25.

Newbury births, 1658 :—

Thomas, son of Thomas Silver, Mar. 26.  
 Frances, daughter of William Sawyer, Mar. 24, 1657-1658.  
 Mary, daughter of John Webster, Mar. 29.  
 Mary, daughter of Capt. William Gerrish, Apr. 1.  
 Moses, son of Edward Richardson, Apr. 4.  
 Edward, son of John Poore, Apr. 5.  
 Samuel, son of John Allen, Apr. 8.  
 Mary, daughter of Francis Tharley, May 14.  
 John, son of Hugh March, June 10.  
 Noah, son of John Bishop, June 20.  
 Elizabeth, daughter of Elizabeth Preston, June 21.  
 Josua, son of Robert Rogers, Aug. 1.  
 Abigail, daughter of James Miricke, Sept. 15.  
 Mary, daughter of Sollomon Keyes, Sept. 26.  
 Bethia, daughter of John Emery, jr., Oct. 15.  
 Mary, daughter of John Roafe, Nov. 2.  
 Sara, daughter of Samuel Moody, Nov. 16.  
 John, son of James Ordway, Nov. 17.  
 Hannah, daughter of William Randall, Jan. 7.  
 Elizabeth, daughter of Samuel Poore, Jan. 20.  
 Joseph, son of Benjamin Swett, Jan. 21.  
 Hanna, daughter of Daniel Thurston, Jan. 30.  
 Thomas, son Thomas Hale, Feb. 11.

Newbury deaths :—

Rebecca Elbridg, Oct. 15, 1657.  
 Daniell Thurston, Nov. 3, 1657.  
 Mary Webster, May 4, 1658.  
 Josua Rogers, Aug. 25, 1658.



Mary Roafe, Dec. 10, 1658.

Mary, wife of Roger Wheeler, Dec. 27, 1658.

Mary Morse, Nov. 23, 1658.

Andover births :—

Mary Aslet, daughter of John and Rebecka, Apr. 24, 1654.

Samuell Engolls, son of Henry and Mary, Oct. 30, 1654.

Matthew Pore, daughter of Daniell and Mary, Nov. 4, 1654.

Daniell Pore, son of Daniell and Mary, Sept. 5, 1656.

Mary Osgood, daughter of John and Mary, Nov. 27, 1656.

Francis Dane, son of Francis and Elizabeth, Dec. 18, 1656.

Henry Engolls, son of Henry and Mary, Dec. 10, 1656.

John Aslett, son of John and Rebecka, Feb. 16, 1656.

Mary Parker, daughter of Nathan and Mary, Apr. 14, 1657.

William Lovejoy, son of John and Mary, Apr. 21, 1657.

William Abbet, son of Georg and Hanna, Nov. 18, 1657.

Meroy Barnerd, daughter of Robert and Joane, Apr. 8, 1658.

John Pore, son of Daniell and Mary, Sept. 5, 1658.

Sara Aslet, daughter of John and Rebecka, Jan. 14, 1658.

Hanna Faulkner, daughter of Edmond and Dorathy, May 8, 1658.

Andrew Allen, son of Andrew and Faith, May 9, 1657.

Hana Ballard, daughter of William and Grace, Aug. 14, 1655.

Lidda Ballard, daughter of William and Grace, Apr. 30, 1657.

Andover marriages :—

Ralfe Farnum married Elizabeth Holt, Oct. 26, 1657, by Mr. Bradstreet, at Andover.

Georg Abbet, jr., and Sara Farnam, Apr. 26, 1658, by Mr. Bradstreet, at Andover.

Nicholas Holt and widow Hanna Rofe, June 20, 1658, by Mr. Simons, at Ipswich.

William Chandler and Mary Dane, Aug. 18, 1658, by Mr. Simons of Ipswich.

Andover death :—

Elizabeth, wife of Nicholas Holt, Nov. 7, 1656.

Topsfield vital records :—

Mary, daughter of Daniell Clark, born Nov. 1, 1645.

Elizabeth, daughter of Abraha Redington, born Feb. 18, 1645

Abraham, son of Abra Redington, born Nov. 25, 1647.

Elizabeth, daughter of Danill Clark, born Nov. 10, 1647.

Dority, daughter of Daniel Clark, born Jan. 10, 1649.

Thomas, son of Abra Redington, born July 25, 1649.

John, son of John Redington, born June 20, 1649.

Sara, daughter of Daniel Clarke, born last of Jan., 1651.

Mary, daughter of Jo. Redington, born May 4, 1651.

Fara, daughter of Abr. Redington, born Mar. 15, 1654.

Martha, daughter of Daniel Clarke, born Nov. 22, 1655.

Martha and Phebe, daughters of John Redington, born Apr. 7, 1655.

Isack, son of Abraham Redington, born June 27, 1657.

Daniell, son of Daniell Clarke, born Oct. 26, 1657.

Joseph, son of Robert Andrews, born Sept. 18, 1657.

Sara, daughter of Edmond Towne, born Apr. 26, 1657.

Daniell, son of John Redington, born Mar. 17, 1657.

Presela, daughter of John Wild, born Apr. 6, 1658.

Jacob Towne married Calttorne Simons, June 26, 1657.

William Smith married Rebeca Keas, July 6, 1657.

Ruth, daughter of Francis Pabodie, born May 22, 1658.

Joseph, son of Isack Estey, born Feb. 5, 1658.

John, son of Jacob Towne, born Apr. 2, 1658.

William, son of William Smith, born July 17, 1658.

John, son of Mr. William Pirkins, born Apr. 2, 1655.

Sarah, daughter of Mr. William Pirkins, born Mar. 2, 1656.

Timothy, son of Mr. William Pirkins, born Aug. 11, 1658.

Gorge Bunker died May 26, 1658.

John Redington,\* Clark of the writs.

Rowley births, 1658 :—

Benjamin Pearson, son of John and Dorcas, Apr. 6.

Sarah Boynton, daughter of John and Elin, Apr. 19.

Sarah Burkbee, daughter of Thomas and Martha, May 21.

John Brocklbank, son of John and Sarah, July 26.

Thomas Wood, son of Thomas and Ann, Aug. 10.

Ebenezer Browne, son of Charles and Mary, Sept. 14.

Samuell Bailey, son of James and Lidia, Nov. 6.

Japheth Holmes, son of Richard and Alice, Dec. 15.

John Northend, son of Ezekil and Edna, Jan. 18.

John Plats, son of Jonathan and Elizabeth, Jan. 20.

John and Jonathan, sons of John and Faith Smith, Mar. 2.

Rowley marriages, 1658 :—

Thomas Rementon and Mehitabell Walker, Mar. 19.

Daniell Wicome and Mary Smith, Oct. 24.

Robt. Emerson and Ann Grant, Jan. 4.

Richard Swan and Ann Trumble, Mar. 1.

Rowley burials, 1658 :—

Ann, wife of Richard Swan, Apr. 4.

Martha, wife of Thomas Burkbee, June 24.

Jonathan Smith, son of John and Faith, Mar. 3.

John Smith, son of John and Faith, Mar. 11.

Fines for last nine months : Jonathan Harte and wife, for uncleanness ; John Suthwick's son and daughter, for uncleanness ; Wm. Smith, for pushing his wife ; Jo. Floyd, for stealing ; Nath. Hun, for abusing the constable ; Nich. Cromwell's man, for excessive drinking ; Tho. Lyon for stealing, the second time ; and Tho. Pigden, for drunkenness. By Wm. Hathorne.\*

\*Autograph.

## COURT HELD AT SALEM, 30: 9: 1658.

Present: Worshipful Mr. Simond Brodstreet, Mr. Symonds Danyell Denyson, Major-Generall, and Major Hathorne, associate.

Grand jury: Mr. Edmond Batter, Serg. Jon. Porter, Will. Dodge, Tho. Puttman, Nicolas Potter, Jon. Kitchin, Nath. Kirtland, Bray Wilkins, Henry Collins, sr., Frances Burill, Will. Charles, Jon. Perce and Tho. Fiske.

Bill of Mathew Nixon's charges.

Petition of Andover men for confirmation, by court of appointment, of John Osgood as sergeant and chief commander in place of Sergeant Stevens, who was willing and desirous of being dismissed, signed by Francis Dane,\* John Steevens,\* Henry Ingalls,\* Thomas Johnson,\* Robert Russel,\* Richard Barker,\* Thomas Farnum,\* George Abbot, jr.,\* William Chandler,\* George Abbutt,\* Thomas Chandler,\* John Lovejoy,\* Marke Graues,\* Daniel Poore,\* William Ballard,\* Edmond Faulkner\* and Robert Barnerd.\*

Thomas Bishop, Thomas Hobbs.†

William Vinson chosen constable by the town of Glossester for year ensuing. Certificate signed by Robert Elwell.\*

John Webster, aged thirty-five years, deposed that Mr. Gerrish came to his shop with a warrant from Mr. Simons, Mr. Thomas being there also; and Mr. Gerrish said to Thomas, "I Desir you to Go over to Mr. Parkers with mee." Mr. Thomas said that he could not go because he must attend to his work. Gerrish said he would make him go, and thrust him along before him, almost upon his nose.

Frances Quilter, wife of Mark, testified that Goodman Tothacore came to Goodman Sechwell's house and her husband asked him to give him some "phiseck to purdg my body & turne the heumer out of my hand." Quilter asked what he should do with his hand and both Tothacre and Setchwell wanted to undertake the cure. Quilter agreed that if Sechwell cured him he would satisfy him. Goodman Sechwell said he had some physic in the house which was his mother's but Quilter said it was too old and had lost its strength. Quilter gave Goodman Tothacre two shillings. His hand was almost well before Sechwell meddled with it, but, through deponent's persuasion, her husband let him dress his hand and the plaster lay on some considerable time, but his hand grew worse.

Commissioners of the United Colonies to provide themselves with horse furniture, attendants, etc., and to be allowed annually by the country 20li. to each commissioner, and 40li. a year for all their expenses. Copy of record of first session of the court of election. Edward Rawson,\* secretary.

\*Autograph.

†These names are all that remain of a bill of presentments.

Jury of trials : Mr. Walter Price, Nath. Puttnam, George Gardener, Nath. Pickman, Jon. Mansfeld, Jon. Ramsdell, Tho. Farrer, Jonathan Hudson, Jon. Kettle, Marke Bachelor, Tho. Hale and Ed. Wolten.

Civil cases :—

William Browne v. Tho. Butts. Debt.\*

Mr. Symond Bradstreet v. Mr. Anthony Stoddard. Debt to be paid in England. Verdict for plaintiff. Appealed to Court of Assistants.†

\*Writ : William Browne v. Thomas Tuck, of Salem, blacksmith ; dated, 22 : 9 : 1658 ; and signed by Hillyard Veren, † for the court ; served, 22 : 9 : 1658, by Samuel Archard, † jr., deputy marshal, by attachment of house and land.

†Writ : Simon Bradstreet v. Anthony Stoddard ; dated, Nov. 11, 1658 ; and signed by Daniel Denison, † for the court ; served by Rich. Wayte, † marshal, 15 : 9 : 1658, by attachment. Anthony Stoddard † gave bond.

Hezekiah Usher † testified that he sold goods to Mr. Anthony Stodder and others to be paid in sterling in England, and bearing the adventure of the sea for the ship's arrival, and he or they standing the adventure of the market, profit or loss, to make good the money out of goods so shipped and safely arriving. He further testified that he had accepted bills of exchange payable so many days more or less after the safe arrival of ships at the port of delivery in England. Dated, Boston, 26 : 9 : 1658.

William Payne of Boston deposed that about October, 1657, " my cosin Anthony Stoddard " asked if he purposed to send to England his ketch whereof Mr. Talby was master. He told him that he did ; whereupon Stoddard entreated deponent to let him two tons freight in her, and withal he told deponent it was for Mr. Symon Brodstreete. Sworn before Mr. Richard Parker, commissioner, 26 : 9 : 1658.

Anthony Stoddard's † promissory note of 60li., dated, Oct. 27, 1657, payable to Mr. Hezekiah Usher and Mr. John Harwood, for the use of Simon Bradstreet in London, within forty days after the arrival of the ship next sailing after those of Mr. Garrett and Mr. Peirce, which latter were then in Boston harbor. Wit : Henry Dunster † and Edw. Burtt. †

Bill of exchange for 60li., dated, Dec. 17, 1657, payable forty days after the safe arrival of the ketch Adventure, Mr. Steeven Talby, master, at London, to Mr. Hezekiah Usher and Mr. John Harwood, on account of Mr. Anthony Stoddard. Addressed to " M<sup>r</sup>

†Autograph.

## William Cortes v. Jon. Williams.\*

Peter Cole m<sup>r</sup>cht In Leadenhall streete In London," from "Your loving Cosen, Thomas Broughton."†

Printed bill of lading of the foregoing five hogsheads and one butt, dated, Boston, Dec. 16, 1657, "outwardly well conditioned the Contents I know not," and signed by Stephen Tallbe.‡

Thomas Broughton, aged forty-four years, deposed that in the year 1657, about the time Captain Garrat's and Captain Peirce's ships sailed for England, Anthony Stoddard desired of him a parcel of sugar shipped on the ketch Adventure for adventure of Symon Brodstreete to London, said sugar by bills of exchange to pay sixty pounds on account of Bradstreet. Invoice, dated, Dec. 17, 1657, and consigned to Mr. Peter Cole of London, merchant. Being advised that said money was to be paid to Mr. Hezekiah Usher or Mr. John Harwood on account of Mr. Bradstreete, deponent drew at the order of Mr. Stoddard four bills of exchange, dated, Dec. 17. Sworn, 24: 9: 1658, before Nath. Duncan,‡ Comr.

"Boston In New England Dec. 17<sup>th</sup> 1657.

"Invoice of one Butt of fine Shugar and five hhd<sup>s</sup> of muscovadoes Sugar shipt on the Ketch Adventure M<sup>r</sup> Steven Talbye Master beinge for the account & adventure of m<sup>r</sup> Simon Bradstreete & Consigned to m<sup>r</sup> peeter Cole at London & are as followeth—

1: one Butt of white sugar	Conts : Neate : 8 : 2 : 14 at 5 <sup>u</sup> 43 : 2 : 6 :
1: one hogshead of mus-	
covados Cont.	5 : 3 : 3
2: one hogshead	5 : 3 : 16
3: one hogshead	5 : 3 : 22
4: one hogsheade	6 : 0 : 00
5: one hogshead	6 : 2 : 04

In all Cont	29 : 3 : 17 tare 80 <sup>u</sup> ♂ hd
tare	3 : 2 : 08

Rest neate	26 : 1 : 09 at 30 <sup>s</sup> ♂ Cent	39 : 20 : 5
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82 : 12 : 11
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4
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82 : 16 : 11
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## Charges In Shipping

"Coppie sent by the Ketch Rebecca Christopher Clarke m<sup>r</sup> the Originall sent by m<sup>r</sup> Talby."

\*Writ: William Curtes, blacksmith v. John Williams of Salem, cooper; for withholding some land bought by him, said Williams, and refusing to give possession; signed by Hillyard Veren;‡ and

†Autograph and seal.

‡Autograph.

George Gardener assigned time of his servant, Baldwin House, to John Sothwick. Allowed.

Jon. Marstone v. Capt. Tho. Clarke. For freight of six "peeces" of wine, containing three tuns, from Barbados to Bostone.

Tho. Hale v. Zacheus Goold. Debt.\*

Mr. John Ruck v. Timothy Prout. Adventure to Newfoundland. For three hundred and ninety pounds of sugar which was adventured by him to Newfoundland for Ruck in 1654. Withdrawn.†

Mr. Jon. Ruck v. Augustine Lyndon. For taking possession of, detaining or selling and disposing of a quarter part of the ship, Lord's Increase, afterwards called the Recovery, belonging to said Ruck. Withdrawn.

Jon. Fuller v. Mr. Jonathan Wade. Slander.‡

served by Samuell Archer,§ marshal, by attachment of land adjoining the house of defendant, 13 : 9 : 1658.

\*Writ: Serg. Thomas Hale of Salem, attorney to Mr. Thomas Burnap, late of Redding v. Zacheus Goold of Topsfeeld; dated, 17 : 9 : 1658; and signed by Hillyard Veren,§ for the court; served by Samuell Archard, jr.,§ deputy marshal, by attachment of house and land of defendant. Zacheus Gould,§ "not being abel to Com," appointed "my Cozan John Putnam the yonger," his attorney; dated, Nov. 20, 1658. Wit: John Gould§ and Antony (his mark) Corill.

Thomas Burnapp§ appointed his "well beloved friend," Thomas Hale of Salem, his attorney, 17 : 5 : 1658, in action against Zacheus Goold, who dwelt "neere Topsfield." Wit: Joshua Tourland§ and Hillyard Veren.§ Debt of seven pounds due Burnap.

†Writ, dated, 8 : 8 : 1658; signed by Jonath. Negus,§ for the court; and served by Richard Wayte,§ marshal of Suffolk. Bond of Tymothy Prout.§

‡Writ: John Fullar v. Jonathan Wade, jr.; slander; dated, 24 : 9 : 1658; signed by Robert Lord § for the court; and served by Edward Browne,§ marshal, by attachment of thirty-six ewes and ewe lambs.

Ipswich court, Sept. 28, 1658, Jonathan Wade v. John Fuller, for testifying upon oath what was not true, admonished, and court abated ten shillings of his fine. This copy of Ipswich court record made, 29 : 9 : 1658, by Robert Lord,§ cleric.

Mr. Daviell Epps deposed that he was present at Ipswich court when Goodman Fullar testified against Mr. Wade about a yard of linen cloth. Copy of Ipswich court records of 29 : 9 : 1658, made by Robert Lord,§ cleric.

John Wade's bill of costs, 19s. 4d.

§Autograph.

Jon. Killum chosen and sworn constable of Wenham.

Tho. Pittman chosen and sworn constable of Marblehead.

Sam. Archer and Jon. Hathorne, assignees of Saml. Bennett v.  
Mr. Henry Webb.\*

Testimony of William Averell that John Fullar's grindstone measured between 25 and 26 inches.

Robert Lord testified that last September, when court was sitting at Ipswich, Mr. Wade came to him several times and manifested himself troubled at John Fullar for his testimony about the cloth, etc.

Deposition of Edward Browne, Richard Brabrooke and Robert Lord; also Tho. Clarke testified same concerning John Fuller's oath, except the grindstones, 9 br: 29: 1658. Sworn before Daniel Denison.†

Copy of deposition of Edmond Bridges, from Ipswich court records of Sept. 28, 1658, made by Robert Lord,† cleric.

\*Writ: Samuell Archerd and John Hawthorne, assignees of Samuell Bennet v. Henry Webb; forfeiture of a bond of arbitration; dated, 22: 8: 1658; signed by Jonath. Negus,† for the court; and served by attachment of dwelling house and land of Henry Webb in Boston, by Rich. Wayte,† marshal. Wm. Hathorne,† Tho. Clarke,† George Corwin,† Edward Hutchinson, jr.,† and John Wiswall,† arbitrators.

Samuel Bennett of Rumney Marsh promised to pay to Henry Webb of Boston fifty pounds, one-half in bar iron and one-half in iron pots at price current, if it appeared that said Bennet was indebted to Mr. John Becks & Co. of the undertakers of the iron works in Lynn, Oct. 20, 1658. Signed by Samuell Bennett,† Samuell Archard† and John Hathorne.† Wit: Thomas Bligh.†

Archard and Hathorne's bill of costs, 2li. 4s. 4d.

Bond: Samll. Archard, Samuel Benett and Jno. Hathorne to Mr. Henry Webb of Boston, merchant.† Wit: Samll. Robinson.†

Account of iron weighed for Samuell Benet according to arbitrators in Captain Hutchinson's warehouse, Sept. 2, 1657, signed by Henry Webb.†

47 Bars Iron q <sup>t</sup> 23 <sup>c</sup> 3q <sup>r</sup> 9½ <sup>u</sup> at 21 <sup>u</sup> ₤ ton is	25 : 00 : 06½
49 potts q <sup>t</sup> 16 <sup>c</sup> 2 q <sup>r</sup> 18 <sup>u</sup> att 30 <sup>c</sup> ₤ C	24 : 19 : 10
paid y <sup>e</sup> porter for wayinge his helpe	00 : 01 : 00

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050 : 01 : 04½

Assignee's bond, dated Salem, July 2, 1657; signed by Henry Webb,† Samuell Benet,† John Hathorne† and Samuell Archard.† Wit: Oliver Purchis† and William Browne.† Mr. Wiswall of Dorchester was added to the list of arbitrators.

†Autograph.

‡This bond is not signed.

Mr. Will. Browne v. Will. Towne. For not giving account of a heifer hired by defendant. Withdrawn.

Jon. Haukes v. Joseph Cooke. Review.\*

William Hathorne, aged about fifty-one years, deposed that in the last General Court, Benet, Archer and Hathorne came to Boston to demand fifty pounds of Mr. Webb, according to arbitration, and when they could not obtain it they came to deponent desiring him to speak with Mr. Hutchison about it, but deponent could not persuade him in the least. Sworn in Salem court, 2 : 19 : 1658.

Edmund Batter, aged about fifty years, deposed that he heard Mr. Henry Webb, 2 : 7 : 1657, tender Benet and others the iron, and if Mr. Webb would be pleased to get it weighed they would trust him for the weighing of it. Sworn in Salem court, 2 : 10 : 1658.

Richard Cooke, aged about forty-eight years, deposed that he heard Samuell Archer acknowledge that he refused to sign the bond tendered to him by Mr. Web or any other security, as expressed by Captain Hutchenson, and the reason that Samuell Archer and Mr. Hawthorne later gave security was because they heard that there were forty pounds due from the company to Bennet by an award of Major Hawthorne and Captain Marshall. Sworn at Salem court, 2 : 10 : 1658.

Edward Hutchinson deposed that he was at Mr. Webb's house when John Hathorne, Sam. Benit and Sam. Archer were there, and they demanded of Webb the iron that was to be paid upon arbitration. Mr. Webb answered either in these words or to this effect, that he heard there had been an arbitration made between Mr. Geffards and Saml. Benit, and if he found he was liable to pay, he would pay it, otherwise he thought there was no reason for him now to pay it after the accounts were made up. Sworn at Salem court, 2 : 10 : 1658.

Thomas Bligh, aged about thirty-one years, deposed as to witnessing bond. Sworn, 27 : 9 : 1658, before John Endecott, † Gov.

Elisha Hutchinson, aged about seventeen years, deposed that he weighed the iron, Sept. 2, 1657, for Mr. Samll. Benet's account which was for Mr. Henery Webb, and Samuel Robinson and John Marshall assisted him, and the iron was laid aside in his father's warehouse for Mr. Benet. Sworn, 29 : 9 : 1658, before Natha. Duncan, † commissioner.

Samuell Robinson, aged twenty-two years, servant of Mr. Henry Webb, deposed concerning weighing the iron, with John Marshall, the porter, etc. Sworn before Natha. Duncan, † commissioner, 29 : 9 : 1658.

\*Writ: John Hauks v. Joseph Cooke of Cambridge; dated, Nov. 20, 1658; about a young mare that defendant took away from plaintiff; signed by Will. Longley, † for the court; and

†Autograph.



served, 19 : 9 : 1658, by Richard Blood\* of Line, deputy for Samuel Archard,\* marshal, by attachment of his now dwelling house and land.

Thomas Clarke deposed that "I being at Goodman Cowdree his house at Reding when Mr. Joseph Cooke came for warrant, I tould Mr. Cooke this colt was non of his. Saide Cooke to mee, there is a colt I know in the woods would put an end to this busenes which I beleve said hee is Hartts colt I tould Mr. Cook againe If it had bin my case as it was his I would a gott up the colt whatever it cost mee." Sworn in court, 2 : 10 : 1658.

John Hawks' bill of costs, 4li. 15s. 4d.

Thomas Hutchinson deposed that "my father-in-law, Adam Hakes," gave his son, John Hakes, a colt, and he put it to Isaacke Harte to keep. Sworn at Ipswich court, Mar. 30, 1658. Copy.

Addam Hakes, aged about fifty years, deposed that a man may swear a colt to be the same colt after it is gone out of his sight any time; so far he could swear this colt to be the colt he gave his son, John Hakes, for it hath a black list down the back; so had that. It had a piece cut out of the left ear; so had that. It had a scar in the right ear which to him showed the hole which was made with a small sharp iron before it went up to Isaac Hart's. He asked Joseph Cooke who marked his colt in the ear, and he said, "I cut a piece in his ear, but not quite off." Sworn, 30 : 1 : 1658. Copy.

Elizabeth Hart, aged about thirty-five years, deposed that she had known the colt since it was a fortnight old, and since then she had known it by the marks; and, this colt being lost, her husband went out to find it, expecting to be out three days, but he came within two or three hours, and left it at their house, and she knew before he told her, it was the colt. Sworn, 1 : 26 : 1657-8, before Edward Johnson, commissioner of Woburn. Copy.

Samuel Hutchinson deposed that he cut a piece out of the colt's left ear when it was eight months old, and it was put to Isaac Hart. About a year after, Isaac Hart brought a young mare to the farm where he was and asked him if this was the colt he marked. He replied that it was, and about the next spring, being at Reading, he heard that Mr. Cooke had attached John Hawk's colt. Upon examination, he saw it was the same colt he had marked for John Hawks. Sworn in court, 2 : 10 : 1658.

Isaac Harte, aged about forty years, deposed that it was the same colt. Sworn, 29 : 1 : 1658, before Edward Johnson, commissioner of Woburn. Copy.

Francis Hutchinson deposed that he saw Isack Hart and Samuel Hutchinson mark John Hauckes' colt, and it was the same colt. Sworn, 2 : 10 : 1658.

Samuel Hutchinson, aged about forty years, testified that he

\*Autograph.

Maj. Will. Hathorne v. Jon. Norman. Debt. Withdrawn.\*

Joseph Armitage, attorney of Jon. Chacksfeild v. Estate of Jon. Bex & Company. Debt. Respited for one year.

helped mark the colt. Sworn, 23 : 7 : 1658, before Thomas Marshall, commissioner. Copy.

Gregory Stone of Cambridge, aged about sixty-seven years, deposed that November last he had a black mare colt in the pound, and Joseph Cooke of Cambridge claimed it. It had no mark, but the same day it had a slit given it on the top of one ear and a shred on the middle of the ear cut off, and the pound keeper told deponent that Mr. Cook did it, and Stone brought away the colt. Cooke followed him to his house and told him that he made it. Sworn, 18 : 7 : 1658, before Richard Russell, commissioner of Charlestown. Copy.

Thomas Clark deposed when Joseph Cook brought the colt from Redding to Cambridge, etc. Sworn, 2 : 10 : 1658.

John Gould, aged about forty years, deposed that Joseph Cooke and the marshal of Cambridge took through his yard the colt that John Hakes formerly replevined out of the hands of Cooke. Sworn, 22 : 7 : 1658, before Thomas Marshall, commissioner of Lynn. Copy.

Mathew Edwards, aged twenty-five years, deposed that he had often seen the colt, sometimes four days in the week, and in his conscience this was the colt. Sworn, 30 : 1 : 1658. Copy.

Adam Hauks and Samuell Huchison deposed that Mr. Epps of Ipswich, being attorney for Mr. Joseph Cooke at the Ipswich court, said after the trial that he wished his cousin Cooke would not meddle any more about this colt, for he did not believe it was his cousin's colt, for he did not mark with such an ear mark, but with a slit on the ear. Sworn, 2 : 10 : 1658.

Edward Collins deposed that he sold the colt about one and a half years ago, with dam, to Cooke, and when it strayed away he sent for him and his servant to testify if it was the same colt, and they deposed that it was. Sworn, at Salem, 2 : 10 : 1658.

Elizabeth Hartt deposed that a while after Joseph Cooke brought this colt back from Cambridge, she heard Cooke say "if your brother had com instead of your father he that could a made best proof should have had the colt." Cook said rather than have it go to court he would have drawn lots for it. Sworn in Salem court, 2 : 10 : 1658.

Thomas Clarke, aged forty years, deposed. Sworn, 30 : 1 : 1658. Copy.

William Eaton, aged about fifty-four years, and John Eaton, aged twenty-two years, deposed. Sworn before Edward Johnson, commissioner. Copy.

\*Writ: Maj. William Hathorne v. John Norman of Manchester; dated, 23 : 9 : 1658; served by John Archard,† deputy marshal, by attachment of house and land.

†Autograph.

Zacheus Cortes v. Mr. Will. Bartholomew. For getting plaintiff to come from Redding and drawing him to Gloster. Verdict for plaintiff.\*

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\*Writ: Zacheus Cortes, late of Redding v. Mr. William Bartholomew of Gloster; dated, Nov. 4, 1658; for getting plaintiff to go from Redding, where he was settled, to Gloster, and non-performance of agreement, to his utter undoing and exposing himself and family to great straits; signed by Hillyard Veren,† for the court; and served by Wm. Vincent,† constable of Glocester, Nov. 6, 1658.

Wm. Bartholomew of Ipswich requested the court to appoint his friend, Edmund Batter, of Salem, his attorney, he not being able to attend court, as his wife was near confinement.

Zacheus Curtis' bill of charges, 1li. 10s. 2d.

Letter addressed "for Zacheus Curtis at Reading this be dld. I pray you:"

"Goodman Curtis I did expect you at Cape Ann the last week But I heard nothing of you I wish you had sent word or left word with Mr. Batter if you intend nott to come I am fain to send this messenger on purpose to desire you to send an answer what your mind is yf you Be of the same minde as when we parted I pray you send your answer p<sup>r</sup> this bearer and when you cann come to C. Ann: I shall be here god willing all the latter part of ye week but ye next week at Ipswich. I heard of a young man that came to Ipswich to have gone to C Ann as by h<sup>e</sup> perswasion but he came not to C Ann. if he Be a man that cann doe carpentry work or handle an axe he shall be employed yf he pleast to as good purpose for himselfe as anywhere else so desiring your answer I rest

"24: 7: 58

your friend

"from Salem.

William Bartholmew"†

The plaintiff's declaration was as follows:—

"I being settled at Reding upon som land of John Goolds haueing six yeares to continue thereon, wheare with the blessing of God upon my labour might haue pvided for my famuly comfortably haueing land enough in my hands to employ me & mine, But it pleased God, M<sup>r</sup> William Bartholomew, being directed by M<sup>r</sup> Batter to me, & speaking with me about undertaking som Employment of his together with a house & land of his at Gloster & Imptuning me, I promised him to come to Gloster to see the bussynes & agree yf I liked it, accordingly about the midle of August last past, the second day of the weeke I went from Reding & Coming to Gloster & waiting M<sup>r</sup> Bartholomews Comeing home till latter end of the weeke, seeing the Accomodation & understanding the Employ & terms of agreement came almost to a close, & not being a Considerable difference & it being referred to M<sup>r</sup> Batter, resolved to undertake the busines & soe returned to Reding, it being the last day at

†Autograph.

Elyas Mason assigned his boy, Tho. Buklands, to Jon. Puttman, jr. Allowed.

night before I could get home which was a whole weekes time, & being returned set my selfe wholly about the fitting my selfe to goe to Gloster, & spent my time to provide accordingly, putting of y<sup>t</sup> stock I had in my hands, & putting of my accomydations, & haueing before pvided fise or sixe load of hay put it of for not halfe the worth of it, together with other damages & distractions occasioned by his earnest Imptuning me to Hasten my Coming to Gloster as damag to the vallue of about 20 Bushels of Corne by swine & cattell in my Corne & severall other things alsoe 42<sup>s</sup> in english corne it cost me bringing my goods downe to Salem & waiting there a fortnight with my famuly for the boat upon charge & 2 Bushells Corne it cost me fore store house roome for my goods, the loss of a swine at my Hasty comeing awaye from Reding, & a sow with pig at Salem & after my Coming to Gloster not being receaued by M<sup>r</sup> Bartholomew into Imployment, haue layne upon charge in a maner this month & constryaned to be in a wet & cold house & haueing not convenyent roome for my corne its much damnified, by all w<sup>ch</sup> y<sup>t</sup> little I had is soe ruinated, y<sup>t</sup> it is my utter undoeing, haueing noe Imployment & winter Aproaching, that I know not how nor wheare to looke out any place or Imployment for the releefe of my family that my straytes are like to be verye greate, besides the distracted condition & greefe of mind & affliction, it is to my selfe & wife, the Impayring my wiues health, How the Lord out of his goodnes may pvide I know not, but according to Reason neuer like to recouer my selfe againe."

Mr. Bartholomew's answer to Mr. Curtis' declaration was as follows :—

"whereas he speaks of his being so well settled at Reding we answere the defendt did not anything to force him to remove but was voluntary in it, 2ly it concerned him first to consider how he should have bettered himselfe before he removed w<sup>t</sup> great estate he had there we know not but soe far as it appears to us it did not exceed the paymt of his rent

"whereas he saith he came to Gloster the middle of Agust & liked the acomadations and came near to a close the diference there not being considerdable whither the diference were soe small or not let these things be considerd first noe tyme spoken of when he should enter upon it. 2ly no agreement about the haye & straw. 3ly no agreement about repayre of houses and fences. 4ly about the maner of his workeing or how he should pay his rent nothing spoken unto nor how the cattell should be ordered 5ly nothing spoken unto who should pay rates & beare common charges with diverse other considerations not to have been omitted.

"Duly this much was fully agreed on both pts that the sayd

Tho. Hale fined for absence from trial jury, and fine remitted.

Zacheous should come a fortnight upon tryall w<sup>ch</sup> is proved in court upon oath his faileing therein hath beene the ocaion of all the troble that hath followed and w<sup>t</sup> is mentioned in his declaration to be referred to me was never pformed but instead therof a vexatious sute commenced prtending great damages & ataching the defendant in a hundred pound action while the defendant was busily employed to acomodate the pltife for his coming thither.

" Wm Bartholomew."

Bernard Thorne, aged about twenty-four years, servant to Wm. Bartholomew, deposed that his master said he feared Curtis was too weak to manage the house and lands at Cape Ann. Sworn, 27 : 9 : 1658, before Daniel Denison.\*

John Newmach of Ipswich testified that Wm. Bartholomew agreed with him for his bark about the beginning of October last to carry his goods from Cape Ann, and he expected to do so, but the weather and some freight for another person to Boston, interfered. Bartholomew showed that he was very much troubled about getting his man to Gloster. Thomas Harris also testified to the same.

John Fitch testified that Curtis did not come when he agreed, that is, for a fortnight on trial. Sworn, 27 : 9 : 1658.

Rowland Powell of Gloster testified that he saw Curtis at Bartholomew's house, speaking with Bartholomew's wife about going to Gloster and he seemed to be much troubled about the moving. His family was then at Salem. She told Curtis that she could not then go out of the house, but if he had come as he agreed, everything would have been ready for him. Curtis replied that he had hemp and flax to dress out and could not leave it. She further told Curtis that he could not go into her house for a fortnight, but that they had provided another house until theirs could be cleared. Curtis refused to go into any other house, and Mrs. Bartholomew replied that he could stay where he was. Sworn, 1 : 10 : 1658, before Daniel Denison.\*

Walter Price, aged forty-five years, deposed that, being at Mr. Gidney's house one month past and desired by Barklemew to hear some agitation betwixt him and Mr. Edmund Batter, Mr. Barklemew said that he disliked to find fault, but Curtis was not fit for his employment and was a sickly person, and that the town would not receive him unless Barklemew would discharge the town; and that Curtis' wife was a froward woman. He would not employ him unless upon day labor. Barklemew said that he wondered that Mr. Batter would commend such a man to him. Sworn, 1 : 10 : 1658.

Hillyard Veren, aged about thirty-seven years, deposed that he was at Mr. Batter's house one evening when Zacheus Cortes came

\*Autograph.

Jon. Smale, the wife of Henry Traske, Danyell Sothwick, wife of Anthony Needham and Thomas Brackett fined for absence from meeting.

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in, he said, from Gloster with a letter directed to Mr. Batter from Mr. Bartholomew, mentioning terms of agreement, the house, land and team for seventeen pounds per year, the hay and tackling to be paid for by Cortes. Sworn at Salem court, 2: 10: 1658, before Hillyard Veren,\* cleric.

Mordecay Hunton, aged about seventeen years, servant of Wm. Bartholomew, deposed that Curtis on his second coming had said he had had hot words with Mrs. Bartholomew, and he thought he should not come at all. Sworn, 27: 9: 1658, before Daniel Denison.\*

Thomas Whitredge testified to hearing Curtis talking at Bartholomew's house in Gloster, with Mrs. Bartholomew, concerning the occupation of the house there, etc. Sworn in Salem court, 2: 10: 1658.

Thomas Rigg testified that Curtis did not come according to his promise. Sworn in court.

Sarah Batter, aged about forty-eight years, testified that Bartholomew, coming to the house of her husband, asked if Curtis were coming, and her husband made answer that he was not. Mr. Bartholomew answered, "You should have hired a messenger," and desired that one might be sent. Deponent's husband got a messenger, John Oliver, and the next morning this deponent's husband sent him to Mr. Hen. Bartholomew's house, where Wm. Bartholomew lodged. When Mr. Bartholomew was at their house, he urged deponent to persuade her husband to send for Curtis, saying that Batter had told Curtis that Bartholomew was discouraged. Curtis said he would not force himself upon said Bartholomew and would be willing to wait and hear from him again before he went to Gloucester. Deponent further testified that he had but little estate, two steers that he was forced to put away to pay his rent, and a little corn and a swine or two. That Bartholomew seemed very pleasant that Curtis would go, and said that in three hours a boat could come from Gloucester, and in three hours more carry them away; and he promised Curtis that he could keep a great many sheep there and agreed to give him twelve sheep, etc. Sworn, 3: 10: 1658, before Wm. Hathorne.\*

Edmund Batter, aged about fifty years, deposed that coming from Boston in company with Mr. William Bartholomew, he desired him to tell him of a man to manage his farm and draw logs to his saw mill at Gloster. Deponent sent him to Zacheus Curtis of Readinge, who was at Thomas Antrum's farm at work. Bartholomew afterward said he heard that Curtis was a man who was troublesome to his neighbors, and deponent answered, "Let him be what he wille he wilbe a servant night & day to you if you use him well."

\*Autograph.

## COURT HELD AT SALEM, 1 : 10 : 1658.

Arther Sandin's license to sell beer and provisions renewed.

Mr. Tho. Marshall, Mr. Oliver Purchas and Mr. James Arye chosen and sworn commissioners for Lynn.

Will of James Patch proved by Lt. Thos. Lothrop and Jon. Hill. Inventory of his estate amounted to 250li. 16s. His widow was Hana Patch.

Jon. Mansfeild fined for absence from jury of trials; fine remitted.

William Chichester was out of the country, and it was not certain when he would return. He had left his wife Mary with several children, and with no means to bring them up. Her father, David Corwithie, put her son, James Chichester, an apprentice to Frances Scerry of Salem. James was then about ten years old; and Francis Scerry's wife was Bridget. Said Scerry agreed to send him "to scoole untill he can write a leagable hand," to give him one ewe lamb to keep, to pay him ten pounds at the end of his time in corn or cattle and a suite of clothes for Lord's day and one for working days. Indenture dated, 1 : 10 : 1658.

## COURT HELD AT SALEM, 2 : 10 : 1658.

The military company at Lynn nominated Lt. Thos. Marshall to be their captain, and the court confirmed the nomination.

Mr. Symond Bradstreete v. Thomas Mayhue. Debt. Brought to this court. For not paying a yearly annuity. Verdict for plaintiff for 140li. Judgment not granted at the Ipswich court, being out of its jurisdiction. Copy of Ipswich court record, by Robert Lord, cleric, Sept. 29, 1658. Plaintiff bound in 200li.

Mr. Frances Johnson fined twenty pounds for four times selling strong water. Ordered that the marshal seize a barrel of rum which was then in Johnson's possession as payment for half the fine; the other half respitted.

John Kitchin's wife, Robt. Buffum's wife, John Smith's wife, Jon. Sothwick's wife, Samll. Shattuck's wife and Pvided Sothwicke fined five shillings a day for absence from meeting on sixteen Lord's days.

George Gardener's wife fined forty shillings for eight days absence from meeting.

Mr. Gednyes former licenses renewed.

Owen Williams and George Dimon fined by Major Hathorne for drunkenness. Mr. Hughson engaged to pay witness fees.\*

Will. Lord, asking to be discharged as feoffee in trust of some land of Tho. Borwood and Cristopher Burrye, and taking oath that he never received any rent for the same, was discharged. Said Lord informed the court that Jon. Pickering had the rent of this ten acres, but it was now in the hands of Tho. Oliver; also, there was a house and half an acre of land in the Governor's hands. Ordered that all this property be turned over to the county.

Isaacke Estye's servant, Joseph Williams, ran away from him, and thereby damaged him. Ordered that the portion of said Williams' estate in the hands of Jeffery Masseye, Tho. Wattson or Henry Skerry, trustees, be kept by them until the court take further order.

Will. Cantlebury and Jon. Rowden were discharged of their bond given for their good behavior.

COURT HELD AT SALEM, 30 : 10 : 1658.

Allester Mackmalen and wife, Elizabeth, fined forty shillings, or to be whipped, for fornication before marriage. Mr. Batter engaged to pay the fine.

Mathew Nixon fined for excessive drinking.

Wharton and Gaskin summoned to appear at court.†

Will. Waldridg had gone out of the country and was probably cast away, and leaving no known attorney, Sam. Archer, marshal, and Tho. Robbins were appointed to take charge of his estate.

Mr. Stoddard, by his attorney, appealed to Court of Assistants. Mr. Edward Huchson, his attorney, bound. Suit was brought by Mr. Symond Broadstreet.

\*John Deverix, constable of Marblehead, brought Owen Williams and George Dimon before Wm. Hathorne,† for drunkenness. They confessed and were fined. Mr. Huson engaged to pay the fine. Dated, 19 : 9 : 1658.

†Edward Wharton presented, 30 : 9 : 1658, for frequently absenting himself from public ordinances upon the Lord's day. Wit : Serg. Jon. Porter, Thomas Putman and Edmond Batter.

Samuell Gaskoyne presented for absenting himself from public ordinances upon the Lord's day.

Edward Wharton presented for refusing to aid the constable,

†Autograph.



The marshal ordered to inquire after a ten-acre lot that Rich. Stackhouse had in his possession.

John Archer and Henry Skery allowed five shillings for serving warrants.

Servants of the house to have six shillings.

being required by the constable. Wit: James Underwood and Henry Skerry.

Presentments signed by Edmund Batter, foreman, and copied by Hillyard Veren,\* cleric.

Writ: John Andrews v. Thomas Averill; for debt; dated, 19: 9: 1658; signed by Robert Lord,\* for the court; and served by Edward Browne,\* marshal of Ipswich, by attachment of wheat.

Writ: Humphry Griffen v. Daniell Clarke; for debt; dated, 22: 9: 1658; signed by Robert Lord,\* for the court; and served by Edward Browne,\* marshal.

Writ: Humphry Griffen v. Richard Hutton; for debt; dated, 24: 9: 1658; signed by Robert Lord,\* for the court; and served by Edward Browne,\* marshal.

Writ: Mr. Wm. Browne v. Richard Stackhouse; for withholding 24li. 2s., due by book; dated, 22: 9: 1658; signed by Hillyard Veren,\* for the court; and served by Samuel Archard, jr.,\* marshal's deputy, by attachment of house and land.

Writ: Mr. William Browne v. Austin Killum, Richard Hutton and Danyell Killum; for withholding 33li. due for three years' rent for a farm in Wenham, hired of Mr. William Browne; dated, 22: 9: 1658; signed by Hillyard Veren,\* for the court; and served by Samuel Archard, jr.,\* marshal's deputy.

Writ: Richard Hutton v. John Andrews; for debt; dated, 24: 9: 1658; signed by Tho. Fiske,\* for the court; and served by Edward Browne,\* marshal, by attachment of house and land.

Writ: Mr. Wm. Browne of Salem v. Humphry Griffen of Ipswich; for debt; dated, 22: 9: 1658; signed by Hillyard Veren,\* for the court; and served by Edward Browne,\* marshal.

Writ: Joseph Armitage, attorney to Wm. Bayly of Road Iland v. William Mapes of Salem; for debt; dated, 23: 9: 1658; signed by Hillyard Veren,\* for the court; and served by John Archard,\* deputy marshal, by attachment of house and land.

Writ: John Hathorne v. Joseph Armitage; for forfeiture of bond for 40li.; dated, 1: 9: 1658; signed by Will. Longley,\* for the court; and served by Thomas Newhall,\* constable of Linne, by attachment of 11li. 13s. in the hands of Samuel Bennet.

Writ: Edmund Batter, attorney for Ralph Fogge v. Edward Wharton; for withholding a parcel of glass borrowed of Susanna, wife of Ralph Fogge; dated, 16: 8: 1658; signed by Hillyard Veren,\*

\*Autograph.

## COURT HELD AT IPSWICH, MAR. 29, 1659.

Judges: Mr. Symon Broadstreet, Mr. Samuel Symonds, Major-General Denison, Mr. William Hubbart and Major Willm. Hathorne.

Jury of trials: Mr. John Appleton, Serg. Tho. French, Edward Chapman, John Ayres, Thomas Burnam, John Layton, John Emery, John Bayley, Ed. Moores, James Barker, Ezek. Northend and Tho. Dorman.

Andrew Hodges of Ipswich sworn constable.

Anthony Morse of Newbury sworn constable.

John Allen and Solomon Keyes of Newbury, James Stephens of Gloster and John Broklebanke of Rowley made free.

John Baker v. Corpl. John Andrews. Appeal. To make good the former judgment for the heifer.\*

for the court; and served by Samuel Archard,† marshal, by attachment of wheat.

Writ: Maj. Wm. Hawthorn v. Mounseir Martin; trespass, carrying away his servant from John Fort; dated, 16: 9: 1658; signed by Jonath. Negus,† for the court; and served by Rich. Wayte,† marshal of Suffolk. Josh. Scottow,† surety.

\*Richard Kemball, aged fifteen years, deposed that Corporal Andrews came to inquire for a heifer, and said that if it was his, it was marked on the left ear. Sworn, Dec. 27, 1658, before Daniel Denison. Copy.

Samuel Moulton testified that Corporal Andrews sent his man to look for a heifer, and he said that his master's heifer had curled hair about the head, short legs, long hair and broad horns. Sworn, Dec. 18, 1658, before Daniel Denison. Copy.

John Knolton testified that Richard Walker spoke about marks, and when the heifer was brought up to the farm it was left at the brook to go as it would. Sworn, Dec. 27, 1658, before Daniel Denison. Copy.

Thomas Day saw the calf near his house, and kept it sometime; then Francis Leach challenged it to be his and took it away. Sworn, Dec. 27, 1658, before Daniel Denison. Copy.

Joseph Browne and John Edwards deposed about marks. Sworn, Dec. 23, 1658, before Daniel Denison. Copy.

Thomas Averill deposed that at last lecture day at Ipswich, Corporal Andrews desired him to see the heifer at Mr. Baker's house, etc. Sworn, Dec. 27, 1658, before Daniel Denison. Copy.

William Norton, aged about fifty years, Wm. Buckley, John Gaynes and Samuel Taylor testified that the heifer was not An-

†Autograph.

drews' nor his man Francis'. Sworn, 10 : 18 : 1658, before Daniel Denison. Copy.

Copies of all the foregoing depositions, attested Jan. 8, 1658, by Daniel Denison.\*

John Appleford, aged about twenty-five years, deposed that, being at Goodman Griffin's, he saw one of Mr. Baker's daughters drive home the heifer, etc. Sworn, 10 : 18 : 1658, before Daniel Denison. Copy.

John Choate deposed that while living at Corporall Andrews' farm, Francis Leach desired him to look at the calf, etc. She would have gone into the house where she was bred, so he concluded that it was the heifer that was Francis Leach's. Sworn, 20 : 8 : 1658, before Daniel Denison. Copy.

Humphrey Griffin, aged fifty-three years, deposed that he saw the heifer "in my brother's pasture" last spring. Sworn, 10 : 30 : 1658, before Daniel Denison. Copy.

John Griffin deposed that it looked like Frances Leach's heifer. Sworn, 10 : 18 : 1658, before Daniel Denison. Copy.

Thomas Parsons, aged about twenty-three years, deposed that he lived last winter at his master Andrews, etc., and he heard Duncan Stuart say, when Mr. Baker and Samuell Taylor were together, that it was Baker's heifer, etc. Sworn, Dec. 23, 1658, before Daniel Denison. Copy.

Mordecai Larkham testified that he saw the heifer at John Andrews' last winter, etc., and Thomas Parsons could hardly keep her out of the yard, etc. Sworn, Dec. 28, 1658, before Daniel Denison. Copy.

Richard Wattles and Thomas Hoyte testified as to marks. Sworn, Dec. 18, 1658, before Daniel Denison. Copy.

Thomas Hoyte also deposed that he heard Goodman Stuart say that he would give more for Mr. Baker's heifer, etc. Sworn, Dec. 23, 1658, before Daniel Denison. Copy.

Jeremyah Belcher testified that cattle went generally at John Appleton's end of this town. Sworn, Dec. 15, 1658, before Daniel Denison. Copy.

Samuel Robins and Daniel Merrill deposed as above. Sworn, 10 : 18 : 1658, before Daniel Denison. Copy.

Ephraim French, aged about fifteen years, deposed. Sworn, 10 : 30 : 1658, before Daniel Denison. Copy.

John Wiggins, aged seventeen years, and William Goodhue, aged about fifteen years, deposed that the heifer lay at Mr. Rogers till the time they heard Mr. Rogers' man say that it was taken away by Mr. Baker. Sworn, 10 : 30 : 1658, before Daniel Denison. Copy.

Abel Merrill, aged about fourteen years, deposed. Sworn, Dec. 23, 1658, before Daniel Denison. Copy.

\*Autograph.

Walter Roper in behalf of the town of Ipswich v. Frances Pabody and Rich. Walker. For felling several white oak trees upon Ipswich town commons. Verdict for plaintiff.\*

Thomas Clarke, jr., deposed that, being at Mr. Baker's, John Baker and Thomas asked me what manner of heifer Goodman Roberts' heifer was, etc. He heard Robert Smith and Jeremiah Belcher challenge this heifer to be Mr. Baker's, which is Goodman Roberts, etc. Sworn, 10: 28: 1658, before Daniel Denison. Copy.

Samuel Taylor, aged forty years, deposed that Mrs. Baker said she heard there was a heifer killed at Lampson's hill about Indian harvest. Acknowledged in court.

Thomas French, aged twenty-two years, and Edmond Bridges, jr., deposed, 10: 23: 1658, before Daniel Denison. Copy.

Copies of all the foregoing depositions, attested Jan. 8, 1658, by Daniel Denison.†

John Baker, jr., deposed that he saw the heifer about Goodman Farrowes, etc. Sworn, Dec. 27, 1658, before Daniel Denison. Copy.

Sarah Baker deposed that living at the farm last summer she saw the calf of a cow called Tib, etc. Sworn, Dec. 27, 1658, before Daniel Denison. Copy.

Evan Morice deposed that he had Richard Walker's word for it, etc. Sworn before Daniel Denison. Copy.

Jeremiah Belcher, jr., Henry Kembal and Francis Bates deposed, Dec. 23, 1658. Sworn before Daniel Denison. Copy.

Samuell Moulton deposed that Corporall Andrews came to his father's house to inquire for a heifer, etc. Sworn before Daniel Denison. Copy.

Richard Walker deposed that the servant to Mr. Baker and Goodman Knolton brought the heifer to his master's house. Sworn, 10: 27: 1658, before Daniel Denison. Copy.

Evidence summed up.

Grounds of John Baker's appeal.

\*Writ, dated, Mar. 18, 1658, served by Edward Browne,† marshal.

Samuell Symonds was granted a farm of five hundred acres toward the west end of the town, commonly called Olliver's, he to be constantly supplied with timber and firewood off the commons. Extract from town record book, 3: 10: 1642. Robert Lord,† clerk, Mar. 24, 1658.

John Perley deposed that he asked Richard Walker who felled the white oaks that lay near his master Pabody's meadow, and he replied that he did, six of them, in Ipswich commons, according to

†Autograph.

## Civil cases:—

William Buckley v. Corpl. John Andrews. Debt. Verdict for plaintiff.\*

Joseph Jewett, attorney to John Hasletine v. Symon Tuttle. Trespass. For taking and riding away his mare without his knowledge or consent. Verdict for plainiff.†

the bounds of said Francis Pabody's farm shown him by the lot layer, Corporal Gage. Sworn in court at Ipswich, Mar. 29, 1659.

Samuell Perley deposed that he went with his brother John. Sworn, Mar. 29, 1659.

John Baker, jr., deposed. Sworn, Mar. 29, 1659.

Copy of town orders regarding felling of trees, dated, Aug. 31, 1649, and Jan. 11, 1649, taken from the town book, Mar. 28, 1659, by Robert Lord,‡ clerk.

Copy of town order that Walter Roper and Richard Shatswell be chosen to prevent persons from cutting trees on the north side of the river, and William Story and Thomas Bishop on the south side, Jan. 17, 1656. Copy taken from the town book, Mar. 24, 1658, by Robert Lord,‡ clerk.

Nathaniell Perlye deposed that coming from Topesfeld he saw Richard Walker and Joseph Pebodye felling trees: "For railes," Walker said. Deponent said, "I scarselie se any whit okes felled for railes." This was on the bottom of the hill, called Mr. Wintrop's hill, next to Goodman Pebody's cove of meadow. Sworn in court at Ipswich, Mar. 29, 1659.

Walter Roper's bill of costs.

\*Writ, dated, Feb. 7, 1658, signed by Robert Lord,‡ for the court, and served by Edward Browne,‡ marshal.

William Buckley's bill of charges.

John Andrewes' bond. Dated, May 16, 1657. Wit: Robert Lord‡ and Jona. Wade.‡

†Writ, dated, Mar. 3, 1658, signed by Robert Lord‡ for the court, and served by Edward Browne,‡ marshal.

Robert Smith, aged about thirty-three years, deposed that he lived with Simon Tuttle's mother, Mrs. Tuttle, about eight or nine years before. That deponent heard her say that the young mare colt then in her keeping, which Smith was informed came of that stray mare that was challenged and was taken away by Lieutenant Lowtroope, was her son Simon's. This was when her husband, Mr. Tuttle, was in England. The colt was branded with the letter E. Sworn in court at Ipswich, Mar. 29, 1659.

Edward Hecock, aged twenty years, testified that about four or five years before, he heard Mrs. Tuttle say that the gray mare and foal that was in deponent's master, John Tuttell's, keeping at

‡Autograph.

Romlie marsh, was her son Symon's and that Tho. Bornom, etc. Deponent also heard Symon's brother, John Tuttell, say, etc. Sworn, 21 : 1 : 1658-9, before Thomas Marshall,\* commissioner.

George Gidding and Thomas Burnam, both aged about forty years, testified that they being with their brother, Simon Tuttell, etc. Sworn in court at Ipswich, Mar. 29, 1659.

Humpey Grifing, aged fifty-three years, testified that before Mrs. Tuttell went to Ireland, he heard her say that it was her son Symon's mare in Tho. Bornom's keeping. Sworn in court at Ipswich, Mar. 29, 1659.

Thomas Gidings, aged twenty-five years, testified that when his grandmother Tuttell dwelt at Ipswige, he heard her say, etc. The mare had been called Symon's by deponent's uncle, John Tutle, and his aunt, Hanah Tuttell. Sworn in court at Ipswich, Mar. 29, 1659.

Letter addressed "These For her beloued sonne M<sup>r</sup> George Gidding att Ipswich in New England :

" Carrickfargus 20 March 57.

"Sonn Giding I Receaned 2 letters from you and am glad to heare of your welfear with yours I wonder I heare nothing from M<sup>r</sup> Juete I heare he improues my estaet to his one aduantag I praid hm to pay my son martain 12<sup>li</sup> in good goods and he lett him haue nothing butt beefe that none ellse would take I pray you to take care of my estat att Ips and lett nott him do what he list butt take a count of what he doth ther is 4 yeres Rent this march which coms to aboue a hundred pound and in depts ninty seauen pound and I heare my cossen John Tuttell would by the horse he will nott lett him without he pay him English goods I sent to deliuer goods to my sonn John lawrence to send me 50li worth of beuar I have depts to pay in london and want it much Thomas burnum wold know what to do with the mares if he can not keep them all lett John Tuttell ore you take to of them and for the Rest of the Cattell if they be chargabell sell them ore lett them to some that will haue care of them I am to remoue againe 16 mills nerer my sonn that married my daueter hannah hath the imployment that my husband was in the tresury is Remoued to another towne & we must goe with it the presence of the lord goe with us they are very louing to me and my life ther by Is very comfortable If I should com to new England I fare I should goe a beging if Reportes be true my estate de Cays apase for want of lookeing to I heare the house gos to Ruine the land spends it selfe the cattell dye the horses eate them selues outt in keeping so I am licke to haue a small a count butt I hop it will nott proue as I heare if it should he that knows all things will a veneg the widows cause I pray Rem me to your wife my Dear Child hannah Rem her loue to you all so doth M<sup>rs</sup> haries the potecaris wife that

\*Autograph.

John Godfry v. Hugh Sherratt. Debt. For wheat and rye due by bond. Verdict for plaintiff.\*

John Godfry v. William Symons. Debt due on bond. Verdict for plaintiff for forty-four bushels of wheat.†

John Godfry v. Abraham Whitiker. For eight bushels of wheat due by bond. Verdict for plaintiff.‡

lived in saint Albanes she dwellse next house to me I haue nott ellse att present butt the blesse of the lord be with you & yours

"I pray send no goods to simon I heare that of him which will bring my gray head with sorow to the graue with tears I conclud and Remaine

"Your poore mother

"Joanna Tuttell."§

John Tuttle, aged about thirty-three years, deposed that his aunt Tuttle said, since his uncle went away, and he, being in his uncle's place, that the mare belonged to Simon, etc. Sworn, 21 : 1: 1658-9, before Thomas Marshall,§ commissioner.

John Gidings, aged twenty-one years, deposed that he heard his uncle Marting ask his grandmother Tuttell, etc. Sworn in Ipswich court, Mar. 29, 1659.

Elder Whipple and Deacon Goodhue in meeting three months before trial ask if there may not be a trial in law in a way of love so they might know whether the vote taken in legal town meeting might not stand good, etc. It was moved by Mr. Bradstreet the last year that they not trouble the court with the matter, but take it to the General Court as a request and that there would be no charges, etc.

\*Writ: John Godfry v. Hugh Sherratt; dated, Mar. 11, 1658; signed by Richard Littlehale,§ for the court; and served by John Eyer,§ constable of Haverhill, by attachment of house and land.

Bond of Heugh Sherratt|| of Haverhill. Wit: Richard Littlehale§ and Mary Littlehale. Dated, Apr. 2, 1658.

Abraham Whiticker,§ surety. Wit: Richard Littlehale.§ Dated, Mar. 11, 1658.

Sharod's bill of charges.

†Writ: John Godfrey v. William Simons; dated, Mar. 12, 1658; signed by Richard Littlehale,§ for the court; and served by John Eyer,§ constable of Haverhill, by attachment of eight acres of land, a sow and a brass kettle.

Bond of William (his mark) Simons of Haverhill, dated, Oct. 28, 1657. Wit: Richard Littlehale§ and Mary Littlehale.§

‡Writ: John Godfry v. Abraham Whitticker; dated, Mar. 12, 1658; signed by Richard Littlehale,§ for the court; and served by

§Autograph.

||Autograph and seal.

John Godfry v. Edward Clarke. Debt due by bond. Defendant not appearing, and being orderly called three times, bond was declared forfeited.\*

John Godfry v. William Symons and Samuëll Symonds. Slander. Withdrawn. Costs allowed to defendant.†

John Godfry v. Abraham Whittiker. For slander. Withdrawn.‡

Mr. Jonathan Wade v. John Fuller. For withholding 4li., which he undertook to pay in behalf of John Andrews. Mr. Jonathan Wade acknowledged that a bill of 5li., which he had of John Fuller, was burned. Found for plaintiff. Defendant appealed to next Court of Assistants. Sureties: Mr. John Fullar and John Redmon.§

John Eyer,|| constable of Haverhill, by attachment of a yoke of steers.

Ephraim Davis and William Deale of Haverhill, sureties for Whittiker. Wit: Richard Littlehale.|| Dated, Mar. 11, 1658.

\*Writ: John Godfry v. Abraham Whitticker and Edward Clark; dated, Mar. 12, 1658; signed by Richard Littlehale,|| for the court; and served by John Eyer,|| constable of Haverhill.

Edward Clark|| appointed Theophilus Shatswell of Haverhill, his attorney. Wit: George Hadly|| and Haniell Bosworth.||

†Writ: John Godfry v. William Symons and Samuëll Symons; slander; dated, Feb. 4, 1658; signed by Robert Lord,|| for the court; and served by John Eyer,|| constable of Haverhill.

Abraham Whitticker¶ and William (his mark) Symons, sureties for appearance of Samuel Simons. Dated, Mar. 11, 1658. Wit: Richard Littlehale.||

Theophilus Shatswell and James Davis, jr., sureties for William Simons. Dated, Mar. 11, 1658. Wit: Richard Littlehale.||

Bill of charges for William and Samuel Simons, 2li. 18s. 1d.

‡On Nov. 26, 1656, John Godfry of Haverhill sold to Abraham Whitticker of Haverhill, a yoke of oxen for 14li., to be delivered to Godfry at the now dwelling house of John Davis at Newbury, the sun to be paid in wheat in three yearly instalments. In case said Whitticker did not like the oxen when he saw them, Godfry was to take them back, and Whitticker agreed to pay for the writing of the agreement and to give Godfry a quart of wine. Wit: Richard Littlehale and Mary Littlehale. Copy made by Robert Lord,|| 20: 9: 1658. This bond was to be paid at the now dwelling house of Abraham Whitticker, or aboard the vessel, at Godfry's choice.

§Warrant served on John Fuller of Ipswich to appear on complaint of John Andrews; dated, Mar. 24, 1658; signed by

||Autograph.

¶Autograph and seal.



Thomas Flint v. Richard Shattswell. Replevin of a stone horse. Verdict for defendant.

Mr. Robert Payne v. Elder John Whipple, agents or assignees of Richard Saltingstall, Esq. v. John Andrews. For rents due to said Richard. Verdict for plaintiff.\*

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Robert Lord,† for the court; and served by Edward Browne,‡ marshal.

John Fuller acknowledged in court that Mr. Wade told him when he tendered the bill of ten bushels of barley that the bill of five pounds was cancelled, "but he said he did not believe yt then, nor doth he believe yt yet." Court ordered this to be kept on record.

John Fuller's bill of charges, 9s. 9d.

Jonathan Wade's bill of charges, 1li. 18s. 3d.

Jonathan Wade's‡ acquittance to John Fuller, both of Ipsidge, Mar. 18, 1658, to be delivered upon payment. Wit: Jonathan Wade, jr.,† and William Auerell.†

Jonathan Wade, jr., and William Auerell testified to being present as witnesses in John Fuller's house. Sworn in court at Ipswich, Mar. 29, 1659.

John Andrews, jr., aged about thirty-one years, testified. Sworn in court at Ipswich, Mar. 29, 1659.

Samuell Ayres testified Mar. 31, 1659, that he heard Fuller tender Wade the barley in deponent's house, etc. Sworn in court at Ipswich, Mar. 31, 1659.

John Redman and Thomas Bridgdon deposed. Sworn in court at Ipswich, Mar. 29, 1659.

Jonathan Wade, jr., deposed that on or about Mar. 15, 1657, John Fuller came to the house of his father, Mr. Jonathan Wade, and desired that he might be debtor to him instead of John Andrews in the sum of 4li., which amount might be deducted from said Andrews' account. Fuller agreed to pay 5li. in wheat, but Wade said he could not afford it. Fuller replied that he could well afford it, etc. Sworn, Mar. 29, 1659.

Jonathan Wade, jr., testified, 31: 1: 1659, that about 10: 1: 1659, John Fuller tendered a bill to his father, Jonathan Wade, of ten bushels of barley in part payment of what he owed. The latter refused to accept it, but demanded the four pounds with just interest. Sworn in Ipswich court, Mar. 29, 1659.

Samuell Ayres testified that Mr. Wade expected no more than the principal, etc. Sworn in Ipswich court, Mar. 29, 1659.

\*Writ: Mr. Robert Paine and Elder John Whipple, agents or assignees for Richard Saltingstall, Esq. v. Corp. John Andrews; dated, Mar. 24, 1658; signed by Robert Lord,† for the court; and served by Edward Browne,‡ marshal.

†Autograph.

‡Autograph and seal.

Humphry Griffen v. Mr. Robert Payne, executor to John Ward. Review. Found for defendant.\*

Humphry Griffen v. Corp. John Andrews. Debt. Withdrawn.

George Hadley v. John Haseltine. For fencing and feeding about forty or fifty acres of his farm without giving satisfaction. Verdict for plaintiff.†

\*Humphry Griffen of Ipswich, butcher, gave bond to John Ward of Ipswich, chirurgion, dated, Oct. 16, 1652, to be paid in wheat or barley at Mr. Robert Payne's house. Wit: John Payne and Walter Roper. Copy made by Robert Lord,‡ Mar. 28, 1659.

Thomas Bishop testified about Samuella Pod buying a piece of land of Goodman Griffith, and hiring 12li. 10s. of Mr. John Ward, with interest, to pay for it. Deponent was surety for Pod. "To my loueing thomas Bishopp Ipswich dd this I pray you."¶ Sworn, 29 : 1 : 1659, before Wm. Hathorne.‡

Thomas Howlett, aged about fifty-two years, deposed that he was present, about Sept., 1652, when Humphry Griffin sold Samuel Pod a ten-acre lot for twenty-four pounds, and they then agreed for the price of a cow and Griffin several times said he would not have sold the land except to have paid Mr. Ward. Sworn, 9 : 25 : 1658, before Daniel Denison.‡

John Lee, aged about three-score years, deposed that he asked Humphrey Griffin why he would sell so good a piece of land from his children, and he answered that he would turn it into trading stock, etc. Sworn, 9 : 26 : 1658, before Daniel Denison.‡

Walter Roper, aged about forty-five years, deposed that he was a witness to a bond of Griffin to Ward a little before he went away, etc. Sworn, 9 : 29 : 1658, before D. Denison.‡

Samuella Pod deposed that he paid interest at the rate of eight per cent., etc. Sworn, 29 : 1 : 1659, before Wm. Hathorne.‡

John Paine deposed that being conversant with Mr. John Ward living at "my father's," he had knowledge of the transaction, etc. Sworn, Mar. 29, 1659, in Ipswich court.

John Fuller deposed that he asked why Griffin did not sell him the ten acre lot and he replied that he must have cash for it, and that Mr. John Ward loaned Samuel Pood the money, etc. Sworn, Mar. 29, 1659.

†Joseph Jewett and Robert Heseltin testified that Georg Hadlay assented to the division of the land, etc. Sworn in court at Ipswich, Mar. 29, 1659.

Jonathan Ward, sr., deposed that long since he desired John Gage and the other lot layers to lay out such land as had been granted to him. They said that Mr. Winthrop's farm, which was first granted, had not yet been laid out, and his bounds must be

‡Autograph.

¶Written on reverse of paper.

Thomas Hale v. Corp. John Andrews. Debt. For wheat. Defendant acknowledged judgment.\*

Richard Shatswell v. William Delow. Trespass. For cruelty in beating his ox, whereby he is much diminished, the ox being dead. Verdict for plaintiff for forty-four shillings.†

determined before deponent's adjoining land could be laid out; that after much time was spent, they came to a walnut tree which stood near the place where the fence now is between Will. Fellows and Henry Bennet, and said that there should be a bound mark there; and thence the line should run to a great crotched tree which was standing on the eagle nest hill, and so to the creek called "labor in vayne" which should divide between Mr. Winthrop and this deponent on one side and land that was to be laid out to Mr. Dudley and Major Denison on the other side. Sworn at Ipswich court, Mar. 29, 1659.

Theophylus Shatswell deposed that he heard Robert Hasaldin say that said Robert held not the land in controversy, by the "merchants" last laying out, it being divided by merchant Jewit, but by an agreement that he thought his brother John and Goodman Hadly made in exchange of land. Sworn at Ipswich court, Mar. 29, 1659.

Edward Yeomans deposed that about two years since, when he was helping John Hazeltin to fence, the latter said that the land was not his, but George Hadly's, and Hazeltin was to give said Hadlye as much land in lieu of it between that and the river, etc. Sworn, 26 : 1 : 1659, before Simon Bradstreete.‡

John Millington deposed that Robert Hazeltine, being in deponent's barn, the latter asked Hazeltine whether his master, George Hadly, etc. Sworn, 26 : 1 : 1659, before Simon Bradstreete.‡

Writ: George Haddley of Rowley v. John Hasseltine of Rowley; for fencing in some land; dated, Mar. 12, 1658-9; signed by Thomas Leaver,‡ for the court; and served by Joseph Jewett,‡ the constable's deputy, by attachment of three oxen and two steers.

\*Writ: Thomas Hale of Salem v. Corp. John Andrews; debt; dated, Feb. 5, 1658; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal.

†Writ: Richard Shatswell v. William Dellow; dated, Feb. 3, 1658; for beating his ox so he died; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal.

Joseph Browne deposed that going in the fields to look after his father's oxen, he saw William Dellow and Robert Funell loading wood and saw Richard Sachwell's bullock so beaten that the hair was off. William Dellow did it with a small walnut stick. Sworn in Ipswich court, Mar. 29, 1659.

‡Autograph.

Edward Lomase v. Capt. William Traske. For taking possession of and selling twenty acres of land of plaintiff. Surety: Thomas Robbins. Withdrawn.\*

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Richard Brabrooke deposed that being at the barn of Richard Shatswell with Goodman Bridges and John Apellford, deponent saw that the bullock was bruised. Richard Shatswell, his master, said to Wiliam Dellow, "Now wiliam you may see the froots of crooilty." Dellow agreed to pay for half of the beast, and said he hoped it would be a warning to him not to beat any so again. Sworn in court, Mar. 29, 1659.

John Griffine, aged about twenty-four years, deposed that he heard Theophilus Shatchwell say that he would never let his daughter Mara have any estate; that her husband, William Delle, should have the disposal of it to pay any of said Delle's debt and afterward heard him say that after the will was made, he had disposed of his estate to his daughter Mary so that Wm. Dell could not dispose of it.

Robert Punill and Hope Hawkins deposed. Sworn in Ipswich court, Mar. 29, 1659.

Thomas Clarke deposed that Thomas Parson and himself were mowing and they heard Richard Sachwell and William Dellow beat the cattle, etc. Sworn in Ipswich court, Mar. 29, 1659.

Thomas Pershons deposed that while mowing at Green's point, he saw Goodman Shatwell and William Dellowaye beat the oxen, etc. Sworn in Ipswich court, Mar. 29, 1659.

Edmon Bridges and John Apellford deposed that Goodman Shatswell sent for him to go to a bullock that was sick, and upon examination after the beast was dead saw that there was a bruise on the side near the heart, etc. Sworn in Ipswich court, Mar. 29, 1659.

\*Richard Tidmarsh, aged about twenty-five years, deposed that being desired by Edward Lummus of Ipswige to go with him to Captain Trask to read a warrant, since he could not do it himself, for selling twenty acres of land belonging to Lummus, Lummus asked the said Captain if he bought the land of Goodman Deuenish, and Trask replied that he laid it out for Deuenish, but he refused to have it; and now it was the town's land, and if the timber on it was cut, it was done before he had it, etc. Sworn before Wm. Hathorne, † 28 : 1 : 1659.

Edmund Batter, aged about fifty years, deposed that on Salem town records there is a grant of ten acres of land to Thomas Dev-enish. Sworn in Ipswich court, Mar. 30, 1659.

Edward Lummus v. Capt. William Traske of Salem; warrant for selling land; dated, Mar. 20, 1658-9; signed by Hilliard Veren, † for the court.

†Autograph.

Richard Shatswell v. William Dellow. Debt. Defendant acknowledged judgment.\*

William Dellow acknowledged judgment to Humphry Griffin.

Richard Hutten acknowledged judgment to Mr. Joseph Jewett.

Humphry Griffen acknowledged judgment to Mr. Jonathan Wade.

William White acknowledged judgment to Mr. Jonathan Wade.

William Dellow acknowledged judgment to Corp. John Andrews.

Mr. John Cutten [Cutting.—*Waste Book.*] fined and respitted till court takes further order [for taking tobacco in bell yard.—*Waste Book.*].

John Tilison, upon complaint of Mr. Dummer, fined for false oath, and to pay fees of the constable of Newbury.

Anthony Newland fined for breach of the peace.

Maj. William Hathorne and Mr. Edmund Batter sworn commissioners for Salem.

Samuell Corwithy, dying intestate, John Gedney was appointed administrator of his estate. An inventory of the estate was presented.

John Wright, late of Newbury, was possessed of or had a right to goods and chattels in New England, and there being no will, Samuell Symonds and Daniell Denison granted administration of the estate, 30 : 10 : 1658, to Edward Bragg, and the court ordered it entered.†

On the estate of Timothy Cooper of Lynn, administration was granted to his widow, Elizabeth Cooper. Inventory of his estate

\*Writ: Richard Shatswell v. William Dello; debt; dated, Feb. 4, 1658; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal.

†Letter of administration was signed by Samuel Symonds‡ and Daniel Denison.‡ Inventory of the estate, taken by Thomas Bishop‡ and Robert Kinsman :‡

"In two ||bills|| both of one date, & ||its|| said (in y<sup>e</sup> writing) to be of the same tenor, in y<sup>e</sup> one; the party is bound in y<sup>e</sup> sume of xl<sup>li</sup> for y<sup>e</sup> payment of 20<sup>li</sup>

"In the other the debtor is bound in y<sup>e</sup> sume of Thirty pounds for y<sup>e</sup> payment of 18<sup>li</sup> and seven shillings.

"Its also exprest in y<sup>e</sup> writings the one being pformed the other to stand voyde."

‡Autograph.

amounted to 167li. 11s. Widow to have all the estate, including the house and land, except that she should pay certain portions to the six children, as they came of age, namely, John, the eldest son [aged twelve years.—*Waste Book.*]; and Mary, Hannah, Timothy, Dorcas and Rebecah [aged respectively eighteen, sixteen, eight, five and three years.—*Waste Book.*].

George Giddinge and Mr. Joseph Jewett, formerly attorneys of the estate of Mr. John Tuttle, he being now dead, were appointed administrators.

William Addams, father, and John Addams, brother, of William Addams, jr., of Ipswich, were appointed administrators of the latter's estate. The inventory amounted to 218 li. The estate was distributed to eldest son William, one half, and one fourth to each of the other two children, when they were of the age of twenty-one years. Elder John Whipple and Thomas Stace, overseers.

Henry Herrick was appointed administrator of the estate of Hugh Laskine of Salem.

Administration having been granted formerly on the estate of Matthew Whipple to the widow Mary, an inventory was presented, amounting to 199li. 1s. 9d. Land to remain for the children and widow.

Administration on the estate of William Lampson of Ipswich, granted to widow Sarah. Amount of the inventory of the estate, 111li. 10s. 2d. There were eight children. The eldest son was to have a double share, and the others were under age.

Administration on the estate of John Perkins, jr., of Ipswich, granted to widow Lidia. Amount of the inventory of the estate, 73li. 10s. 1d. He left one young child, new born. The widow to hold the estate until the child was eighteen years old, and then pay the child 14li., or at the day of her marriage, with her mother's consent.

The inventory of the estate of widow French was brought in by her son, John.

Bill of costs presented to the county by Theophilus Willson, the constable of Ipswich, amounting to 9li. 18s. 4d.; order to pay it and also 3li. for his year's salary allowed.

William Bartholmew released from training, paying ten shillings yearly to the company.

Samuell Gaskoyne fined eight pounds for absenting himself from public worship thirty-two days at least.

Edward Wharton fined five pounds for absenting himself from public worship twenty days; also fined ten shillings for not assisting the constable.\*

William Bingly and Elizabeth Pressye punished for fornication. He to be whipped and to pay forty shillings to his master Pearce for her lying in, and 2s. 6d., per week for time past and for time to come, and to be kept in prison until the order is complied with. She to be severely whipped and remain with her master until the court released her.

William Young, for fornication, ordered to be severely whipped and bound in forty pounds.

William Trotter, for slanderous speeches, ordered to make public confession after next lecture at Newbury or pay fine of forty shillings and fees.

William Scales of Rowley released from training, paying five shillings a year to the use of the company.

Mr. Nicolas Noyse sworn commissioner to end small causes at Newbury.

\*Summons, dated, 8:1:1659, to Edmund Batter, Serg. John Porter, Thomas Putman, Henry Skery and James Underwood to appear at next court at Ipswich to witness against Edward Wharten and Samuell Gaskoyne for absenting themselves from public worship, and said Edward for refusing to aid the constable; signed by Hilliard Veren,† cleric; and served by Hen. Skerry,† marshal.

Writ of attachment of Samuel Gascoyne for absenting himself from public ordiances; dated, 8:2:1659; signed by Hillyard Veren,† for the court; and served by Samuel Archer,† deputy marshal, 15:1:1659, who arrested said Gaskoyne and took security.

Thomas Putnam and Edmund Batter deposed that Edward Wharten and Samll. Gaskell frequently absented themselves, etc. Sworn in Ipswich court, Mar. 29, 1659.

Writ of attachment of Edward Wharton for absenting himself, etc., and for refusing to aid the constable; dated, 8:1:1658-9; signed by Hillyard Veren,† for the court; and returned by Samuel Archard,† deputy marshal, 27:1:1659, by attachment of house.

James Undwood† deposed that when he took the prisoners to court, he asked Ned Wherten to assist him and the latter refused. Sworn, 20:1:1659, before Wm. Hathorne.†

Henry Skerry swore to the truth of the foregoing, in court at Ipswich, Mar. 29, 1659.

†Autograph.

John Applefouard admonished for taking excessive wages for work.

Zacheus Gould, upon complaint by Isaack Cummings, admonished, and to pay costs.\*

Rich. Brabrooke, being attached by Samuell Symonds, and action not entered, was allowed costs.

Mary Sheffield ordered to be whipped for fornication.

Robert Dutch, bound over to this court, and, being at sea, was ordered to appear at the next session.

Moses Pengry licensed to sell strong water for one year.

\*Wm. Perkins and Isack Comins, sr., deposed "that Zacheus Gould in time of singing y<sup>e</sup> psalm one Sabbath day in y<sup>e</sup> afternoone, sate him downe upon y<sup>e</sup> end of y<sup>e</sup> Table (about w<sup>ch</sup> y<sup>e</sup> minister & cheife of y<sup>e</sup> people sit) w<sup>th</sup> his hatt fully on his head, & his back toward all y<sup>e</sup> rest of y<sup>m</sup> y<sup>t</sup> sate about y<sup>e</sup> Table & though spoken to by y<sup>e</sup> minister & 2 others, ether to shewe reverence to y<sup>e</sup> Ordinance, or to w<sup>h</sup>drawe, yet altered not his posture & y<sup>e</sup> Sabbath following, after that the Congregation was dismissed in y<sup>e</sup> afternoone, desired y<sup>e</sup> Congregation to stay & thereupon spake saying y<sup>t</sup> hee bad bin informed how y<sup>t</sup> y<sup>e</sup> last Sabbath day hee had bin commanded out of the meeting house, but it was not for want of age, nether had hee anything to doe y<sup>t</sup> commanded him, for y<sup>e</sup> house was *non* of his — also he sd that he had heard much speech of y<sup>e</sup> ministers of Christ, & hee confest also, that they could not bee too much honored, but sd hee we knowe y<sup>t</sup> there bee a Company of hirelings who if they fre not their mouthes they prepare warre agst y<sup>a</sup>, such Micah speakes of Chapt. 3<sup>d</sup> v. 7<sup>th</sup> — see John 10<sup>th</sup> — w<sup>ch</sup> hee s<sup>d</sup> hee would not reade but they might reade at their leisure—also hee added that hee had bin informed what a learned speech y<sup>e</sup> goodma Coms made, but he was told by some or one, y<sup>t</sup> was now mor nearely Related to him, y<sup>a</sup> himselve y<sup>t</sup> hee was a proud, probmatical, base, beggarly, pick thank fellowe, whereupon hee was desired to hold his peace, but hee replied y<sup>t</sup> they had nothing to doe to injoyne him silence, y<sup>e</sup> house was none of theirs who did injoyne him, whereupon hee was told y<sup>t</sup> hee would finde y<sup>e</sup> contrary, whereupon hee oft dared us to do our worst." Sworn in Ipswich court, Mar. 29, 1659.

Isaack Comins, sr., and John Comins testified that when Mr. Perkins was in his sermon, Zacheus Gould spoke audibly, etc. Sworn in Ipswich court, Mar. 29, 1659.

William Ewens and James Howe, jr., deposed that Zacheus Gould said that Mr. Perkins was an hireling, and therefore none of them. Sworn in Ipswich court, Mar. 29, 1659.

Bill of charges, 18s.



William Law's license to keep an ordinary at Rowley renewed.

John Wyate released from training, paying 2s. 6d. per year to the company.

Court adjourned to Apr. 28, at 8 of the clock.

COURT HELD AT IPSWICH, APR. 28, 1659, BY ADJOURNMENT.

John Appleford fined upon his presentment.

John Ossgood licensed to keep an ordinary at Andover and to sell wine and strong waters.

John Johnson's bond of ten pounds and William Trotter's bond of five pounds forfeited, as they did not appear.

Humphry Griffen fined ten shillings for his daughter's presentment for wearing a silk scarf.

John Kemball, upon his wife's presentment for wearing a silk scarf, proved that he was worth above 200 pounds and was discharged.

John Chote fined for refusing to assist the marshal.

Will of Marke Symonds proved by oaths of George Smith and Aron Pengrye.

John Andrews fined for taking tobacco contrary to law. Execution respitted or to pay witness fees of William Wilde.

Presentment of wife of Mordcha Larkcum, not proved, discharged.

John Prockter, jr., fined for reviling speeches, and to pay witness fees of Robert Powell, Rich Brabrooke and Tho. Giddings.\*

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\*Thomas Giddinget and Robert (his mark) Pouell testified "that about y<sup>e</sup> 14 or 15 of this month Being at goodman Whites in y<sup>e</sup> morning Goodman Brabroock came theather for an ox that he was to Drive to Salem for master Cuerell: and asked goodman Whit: whether y<sup>e</sup> ox was — no, sayd he my sone prockter: is so Cros he will let me have none of them — think: no sayd goodman prockter there is nather you nor — a Brabroock of y<sup>e</sup> — all shall have any ox here: then sayd goodman Brabroock It will be a great — Disappointment to mr. Cuerwell If you don't send y<sup>e</sup> ox to him goodman prockter sayd goodman brabroock spack what you think that ox is, beter then y<sup>e</sup> other: and give it goodman whit: and I will Drive y<sup>e</sup> tother ox to mr. Cuerell and undertake to satify him with that ox and sayd goodman whit doe so to goodman prockter: no sayd goodman prockter I will nather doe this nor that, you ware crosse tother day & Ile be Cros now & so thare ware some words betwene them: then sayd goodman Brabroocke to goodman Prockter you did it a purpose to trouble youer pore father, then

†Autograph.

Mathew Moores, fined in two presentments, and bound to good behavior.\*

Robert Dutch fined for a battery.

Corp. John Andrews undertook to pay to Richard Shatswell nine pounds for Willam Dellow granted at the first session of this court, whereupon Shatswell acknowledged satisfaction.

William Dellow fined or to sit in stocks for lying and slandering "o<sup>r</sup> Honored magistrat Major Gen<sup>tl</sup> Denison."

Corp. John Andrews fined for selling wine at retail without license upon pretence of selling by the gallon and three gallons and yet drawing it by the pint and quart; for entertaining towns-

he asked goodman Brabroock what he had to medell w<sup>t</sup> that he had nothing to [do] with Calling him a prating fooll and base lying felow & tould him he cam to mak strife Betwene his father and him: no sayd goodman Brabroock you doe me wrong goodman prockter: I make noe strife betwene you and your father: hould your tounge, sayes John Prockter you lye, if you ware a wise man you wood hould your tounge but that you are a foule telling him If he came to him he would knock him of his horse. Also he called him lying Jack." Sworn in Ipswich court, Apr. 28, 1659.

\*John Hale deposed that "I saw mathew moores ty his Horse to the fence & took up an axe & with the helve struck Robert Downer three tymes upon the thygh." Sworn in court at Ipswich, Apr. 28, 1659.

Joseph Muzzey, testified that "I being at worke at John Knights with Mathew moores the Scott & at dung cart with will neffe John Knight's man the sayd mathew came upon the sayd Will neffe for his shovel that he was workeing with to have it from him by violence which he refused to deliver wherupon the Scotte flew upon him & pressed him to the ground taking him by the necke put his head & heeles together and pinched him by the throate y<sup>t</sup> I was afraid he wold have strangled him or at least done him some great mischeife, I seing this rescued him whereupon he gave me many reproachfull speeches chalenging me to fight and threatenig me if ever he mett me alone." Sworn in Ipswich court, Apr. 28, 1659, before Robt. Lord, † cleric.

Edmund Moores † deposed that "I sa mathew moore Ty his hors to the fence & stoped downe and Tooke up something and strooke Robard douner thare with thre Times upon the Thye and allso Robard Douner Complained that his Thye Greeved him and poold up his knee of his breches and I sa it reed in to or thre places and I sa John halle stand between them." Sworn in Ipswich court, Apr. 28, 1659, before Robt. Lord, † cleric.

†Autograph.

men at unseasonable times, as after nine of the clock; and for entertaining men's sons and strangers as at an ordinary after prohibition of the court to keep an ordinary; bound to good behavior in 40li.; Anthony Crosbye, surety. Also, bound in 50li. for misdemeanors such as pulling down the sign of Moses Pengry and his gate, Mr. Browne's gate and door and Lt. Samuel Appleton's gate.

Ruth Marshall fined for lying and to sit one hour in the stocks next lecture day.

Court adjourned to next lecture day after General Court, at nine of the clock.

COURT HELD AT IPSWICH, JUNE 2, 1659, BY ADJOURNMENT.

John Johnson had the forfeiture of his bonds abated to 52s. 8d. and paying so much to William Trotter, Johnson was to have his clothes. [For his offence, ordered to be whipped or pay 40s. fine. — *Waste Book.*]\*

\*Examination of An Sawars, taken before Major-General Denison, Apr. 16, 1659: She testified "that as she came along the street in Newbury with her masters Kinsman Thomas fowlar & one called John Johnson when they came agayst Anthony Morse his house the sayd Thomas Fowlar sayd he would goe in and see his countryman & bad me goe along with that man to the ordinary & he would come presently going along with him up the hill he asked if Thomas would stay I answered noe he would come presently he houlding me fast sayd noe sure he will not come yet and then he violently threw me downe upon the ground & then I cryed out," etc.

Examination of John Johnson before Daniel Denison, Apr. 16, 1659. He confessed what An Sawor had said, except throwing her upon the ground, and acknowledged that he had drank too much liquor a little before.

Wm. Trotter testified that he was in the house of Stephen Swett when John Johnson came thither; the said John to his apprehension had drunk too much, which appeared by the lightness of his speech and carriage in saying in a laughing manner, etc. Sworn before Daniel Denison, † Apr. 16, 1659.

John Johnson bound to appear at next Ipswich court to answer for his misdemeanors with An Sawers. William Trotter, surety. Sworn before Daniel Denison, † Apr. 16, 1659.

John Johnson's petition to the court:—

"I John Jonson being now att Hampton and nott well to Come before you<sup>r</sup> worships Desire to acquaint you with the true statte of the matter for which I was bound to Answere before yo<sup>r</sup> worships

†Autograph.

William Buckley bound for Johnson.

Sarah Marshall, appearing to answer charges of John Averill before Samuell Symonds, he not appearing, was discharged, Averill to pay her costs.

Joanah Symonds, widow of Marke, presented the inventory of his estate. Amount, 257li. 6s.

John Johnson of Andover released from training until further order of the court.

Elen Coromock fined 4li. for fornication.

Corp. John Andrews' fine respitted until next court.

Sixpence fixed as the smallest fee for serving a warrant in criminal cases.

Humphrye Griffen bound in 10li. to answer for receiving cattle taken upon execution.

or before the County Court: & it being Concluded y<sup>t</sup> I should Come to my Answer the 28 day of this month att Ipswich I Have sent by my friend James Bruce to Informe your worships the truth of the matter: I came outt of Salim upon friday the 15 day of this psent month & Eat nothing in the morning & so Came to Ipswich and Drange nothing butt a Cupe of Cold beere & so att Rowly and when I Came to Newbury fery I Called att a House there & Desired the woman of the House to Give mee a peice of bread & Cheese & shee seeing that I was faint and weary shee brought me a bottell of Brandy & I dranke a draught of as I think a quarter of a pint and after shee offered mee the bottell againe & when I Had drank againe I found myselfe much Heated & out of temper & so I Came over the fery and a man who went along with mee in Nubery towne & overtooke a Girle by the way, & left mee to Goe with Her now Concerning whatt shee doth accuse me of whatt my Carage was I was so far beside myselfe thatt I ame nott able to Give any tru account but I Desire to leave myselfe to yo<sup>r</sup> worships mercy as God shall direct you & I Hope God will keepe mee from such distemper for time to Come

“Yo<sup>r</sup> Humble Servant  
John Johnson.”\*

“26 : 2 : 1659.

“The expences of y<sup>e</sup> house by John Johnson more occasioned by him unhappily, 1s. 4d. ; to y<sup>e</sup> men Charged by the Constable to Serve him, 5s. ; to Tristram Coffin upon y<sup>e</sup> Same Acc<sup>t</sup>, 1s. ; To the Constables demand, 3s. 6d. ; To other expenses occasioned upon to same Acc<sup>t</sup> to the house & other men, 2s. 6d. ; total, 13s. 4d. ; dated 2<sup>d</sup> 16<sup>th</sup> 1659, by Steven Swet.”†

\*Autograph.

John Clements, late of Haverhill, "being by God's providence cast away," administration on his estate was granted to Robt. Clements, July 21, 1659, by Mr. Samuel Symonds and Major General Denison.

COURT HELD AT SALEM, JUNE 28, 1659.

Judges present: Worshipful Mr. Simond Bradstreet, Mr. Samll. Symonds, Major General Danyell Denison and Associate Major Will. Hathorne.

Grand jury: Mr. Edmond Batter, Serg. John Porter, Nicolas Potter, Nathanyell Kirkland, Bray Wilkins, Hen. Collens, sr., Frances Burrell, William Charles, John Peerce, Tho. Fiske, Will. Dodge and Thomas Putnam.

Jury of trials: Mr. Hen. Bartholmew, Mr. Jon. Browne, Jeffery Massy, George Norton, Thomas Rootes, Henry Herrick, Mr. Needom, Will. Craft, Mr. Adam Haukes, Tho. Browne, Tho. Millett and Richard Hutton. Benjamin Felton was chosen to serve on Newell and Herrick's action.

Thomas Wheeler v. Mathew Farrington. Slander. For saying that plaintiff venomously, wickedly and mischievously plotted, with others, against Thomas Newell to damage him, concerning the matter that was before the church between George Keyser and Tho. Newell; and also for saying that said Thomas Wheeler was the Devil's packhorse to do the Devil's drudgery. Withdrawn.

Thomas Newell v. Georg Keyser. Slander. For saying he was drunk. Withdrawn.

Henry Herrick, administrator of estate of Hugh Larkin, deceased v. Elyas Stileman, sr. For taking said estate into his possession so that plaintiff was unable to bring in an inventory, as the court ordered.

John Godfery v. Edward Clarke. Debt.

Mr. John Croade, alias Hughson v. Mr. Peeter Cole. For security for several bills of exchange, etc. Referred to General Court.

John Godfery v. Will. Simonds and Samll., his son. Slander. For charging him to be a witch. Verdict for the plaintiff, but the jury "notwithstanding doe conceiue that by the testimonyes he is rendered suspicious."\*

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\*Petition to the court at Ipswich, dated, 12 mo: 1658-9:—

"Wheras diuers of esteme with vs and as we heare in other places also haue for som times have sufered loses in ther estates

John Godfery v. Henry Palmer. For payment of bond as surety for Abraham Whitaker.

and some affickshen on ther bodyes also: which as they supose doth not arise from any natural cause or any necklect in themselues but rather from som ill disposed person: that upon diferences had betwixt them selues and one John godfry resydent at Andover or else wheare at his plesure wee hose names are under wrighten do make bould to sue by way of request to this honored court y<sup>t</sup> you in your wisdom will be plesed if you see cause for it to call him in question and to heare at present or at som after sesions what may be sayd in this respect

“ James davis sen in y<sup>e</sup> behalfe of his son Epharam davis

“ John haseldin and Jane his wife

“ Abraham whittyker for his oxe and other things

“ Epharam davis in the behalfe of himselfe som things we hear of and it may be they may be of consequence.

“ Benjamin Swet in the case of his ohild

“ Esabell houldred hearing a voyce and being afflicted in her body

“ Jobe tyller of Andever for a bird coming in to suck his wife

“ Charles browne son what he did see although we say no more at present

“ weadow ayres daughter and Goodman Prockters daughter for a pale with som thinge in it.”

Thomas Haynet deposed that “ being wth Goodwife Holdridge she told mee that shee saw a great horse & shewed me where it stood: I then took a stick & stroke on the place but felt nothing & I heard the doore shake & Goodw: sayd it was gone: out at y<sup>e</sup> doore immediately after shee was taken with extremety of feare & payne so that she p'sently fele into a sweat & I thought she would swoone away: she trembled & shooke like a leafe.”

Nath. Gould† testified “that being with Godway holdred ong night thar appeared a great Snake as shee sayd with open mouth & Shee being weak hardly able to goe alone yet then ran & lyd hold of nathan gould by the head & cold not speak for the space of halfe anower.”

Isabel Holdred deposed that “ John Godfree came to the house [where] Henry Blasdal her husband & herselfe were & demanded a debt of her husband & said a warrant was out & Goodman Lord was suddenly to come John Godfree ——ed if we would not pay him the deponent answered yes, tonight or tomorrow if we had it: for I believe we shall not —— we are in thy debt: John Godfree answered thats a bitter word: sayd I must begin & must send Good-

†Autograph.

John Hathorne and Samll. Archer, assignees of Samll. Bennett v. Mr. Henry Webb. Withdrawn.

man Lord : the deponent answered when thou wilt I fare the not nor all the devils in Hell : and farther deponent testifieth that twoo days after this shee was taken wth those strange fits with wch shee was tormented a foughnight together night & day : & severall apitions aprd to the deponent in the night : The first night a Humbl bee, the next night a beare aped wch grounded the teeth & shooke the claw, thou sayst thou art not affraid : then thinkst Harry Blasdals house will saue thee the deponent answered I hope the Lord Jesus Christ will saue me the apition then spake thou sayst thou art not affraid of all the devils in Hell but I will haue thy heart blood within a fewe houres the next was the apition of a great snake at wch the Deponent was exceedingly affrighted & skipt to Nathan Gold who was in the opposite Chimney corner & caught hold of the hayre of his head & her speech was taken away for ye space of halfe an houre ; the next night aped a great horse & Thomas Hayne being there the deponent told him of it : & shewed him where : the sd Tho. Hayne took a stick & strook at ye place where [the] apition was & his stroake glanced by the side of it : & it went — the table & he went to strike againe then the apition fled to the — & made it shake & went away & about a week after the deponent — sonne were at the doore of Nathan Gold & heard a rushing in the — the deponent : sayd to her sonne yonder is a beast : he answered tis one [of] Goodman Cobbyes black oxen & it came toward them and came within — yards of them the deponent her heart began to ake for it seemed to have great eyes : & spake to y<sup>e</sup> boy lets go in, but suddenly the ox beat her against y<sup>e</sup> wall & struck her downe & shee was much hurt by it : not being able to rise up but some others carried me into y<sup>e</sup> house : all my face being bloody being much bruised. The boy was much affrighted a long time after & for y<sup>e</sup> space of two houres was in a sweat that one might have washed hands on his haire, Further the deponent affirmeth that she hath bin often troubled with a black cat some times aping in the house & sometimes in the night — bed & lay on her & sometimes stroaking her face — the cat — hrice as big as an ordenary cat."

Charles Browne and wife deposed that "about 6 or 7 years since in the meeting house of Rowley being in the Gallarye in the first seate there was one in the second seat (wh he doth to his best remembrance thinke & verely beleeve it was John Godfry) this deponent did see him yaning ope his mouth & while he see yaned this deponent did see a small teat under his Tongue and further this deponent saith that John Godfrye was at this deponents house about 3 yeare since speakeing about the power of witches he the

John Bennet v. John Lyon. For nursing his child six years. Verdict for plaintiff.

William Dodg v. Roger Hauscall. For not maintaining a fence according to agreement.

Christopher Lynsie v. Mr. Danyell King. Account. Withdrawn.

Paule Mansfeild v. Henry Herrick. For illegally breaking up "housen" and taking away goods and cattle and giving them to Timothy Laskin and his wife Damoris, who is now the wife of said Mansfeild. Verdict for defendant.

Thomas Newell v. Edward Richards. Slander. Saying he was drunk. Withdrawn.

John Hathorne and Samll. Archerd, assignees of Samll. Bennet v. Mr. Edward Hucheson. For detaining money left in his house by Mr. Henry Webb.

John Godfrey v. Abraham Whitaker. Debt. For work, witnessing at Salisbury court, etc.

sayd Godfrye spoke that if witches were not kindly entertayned the devill will apeare unto them & aske them if they were greued or vexed with any body & aske them what he should do for them & if they would not give them beer or victalls, they might let all the beere run out of the cellar & if they lookt steadfastly upon any creature it would dye and it were hard to some witches to take away life either of man or beast yet when they once begin it then it is easye to them."

William Osgood deposed that "in the year 40 in the moneth of August he being then building a barne for M<sup>r</sup> Spencer John Godfree being then Mr. Spencers heardsman he on an euening came to y<sup>e</sup> frame where divers men were at worke & sayd that he had gotten a newe master against the time he had done keeping cows the s<sup>d</sup> Willi. Osgood asked him who it was he answered he knew not he againe asked him where he dwelt, he answered he knew not: he asked him what his name was he answered he knew not: he then sayd to him how then wilt thou go to him when thy time is out: he sayd the man will come & fetch me: the w: I asked him hast thou made an absolute bargaine he answered that a covenant was made he had set his hand to it: he then asked of him whether he had not a counter covenant: Godfree answered no: w: o: sayd what a mad fellow art thou to make a covenant in this manner he sayd hees an honest man: how knowest thou sayd w: o: J: Godfree answed he looks like one: w: o: then answered I am psuaded thou hast made a couenant with the devill: he then skiped about & sayd I ptesse: I ptesse."



County treasurer to pay charge for bringing from Newbery to Salem two Quakers who were sent to Boston "Jayle."

William Browne of Gloster had his license to sell strong water renewed, and also was licensed to sell wine.

Robert Elwell discharged from training, paying one bushel of corn yearly for the use of the company.

The widow of Benjamin Monjoye, deceased, was appointed administratrix of his estate.\*

Thomas Spooner's fine of 6s. for not training was remitted and he is to pay one bushel of Indian corn yearly for the use of the company.

Richard Johnson sworn clerk of the market for Lynn.

John Tarbox of Lynn sworn freeman.

Tho. Pigden fined for excessive drinking.

Samll. Allen sworn constable of Manchister.

John Davis sworn constable of Gloster.

Maj. Will. Hathorn sworn associate for this county.

The inhabitants of Gloster ordered to meet in one place for religious services, and Messrs. Millet and Steevens to "exercise their gifts for their edification," one in the forenoon and one in the afternoon, etc., when both are there, until Mr. Emerson shall come and settle among them.

Mr. Johnson licensed to sell wine in Marblehead.

Joseph Williams, who ran away from his master, Isaack Easty,

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\*Inventory of the estate of Mr. Benjamin Mountjoy, appraised by William Charles† and Joseph Dallever: † One Cloake & a suite, 3li. 10s.; one Great copper kettle, 1li. 3s.; one lesser kettle, 7s. 3d.; stewing pan, 6s.; one Skillet, 2s.; one warming pan, 5s.; one scummer, 1s.; Bed & bolster ticking, 1li.; one dozen of pewter dishes, 3li. 10s.; 4 pewter porringers, 6li. 3s.; 4 pewter plates, 2s.; one chamber pot, 4s.; one pewter tankard, 3s.; 6 saucers, 2s.; one little Bason, 1s.; one pewter pint, 1s. 6d.; one little pewter cup, 9d.; one brasse candlesticke & mortar, 3s.; two stone jugges, 2s.; one earthen pott, 6d.; two glasse bottles, 8d.; 3 payre of sheetes, 2li. 8s.; 3 payre of pillow bears, 1li.; one table cloth, 9s.; 5 Diaper Napkins, 7s. 6d.; 6 lockram Napkins, 6s.; one hanging candlestick, 2s. 6d.; one lampe, 1s.; one Trunke, 2s.; one chest, 8s.; one fire shovel & tongs, 4s.; one pothanger, 2s.; one old brasse bucket, 2s. 6d.; one smoothing Iron, 2s.; a payre of blankets, 16s.; one Bedstead, 1li.; one little Table, 8s.; one wooden trey, 8s.; total, 19li. 2s. 5d.

†Autograph.

ordered to return to him, having been seven months absent. Ordered also to serve him fourteen months after his time.

Will\* of John Woodice of Salem proved by Tho. Antrum and Tho. Flint. Amount of inventory, 69li. 5s. Inventory† taken by Thomas James, Thomas Antrum and Thomas Flint.

Will‡ of John Leach, sr., proved by Eliza. Buxton and Mary

\*The will of John Woodis of Salem, dated, 24 : 3 : 1659, was proved 29 : 4 : 1659 :¶ “ Imp<sup>r</sup> he gave, vnto Sam<sup>l</sup> Very sen 2 oxen and his wearing cloaths. Ite he gaue vnto Alice his Daughter : the wife of Sam<sup>l</sup> Very 2 Cowes. Ite he gaue vnto Thomas and Jn<sup>o</sup> Very the Children of Sam<sup>l</sup> very 1 : mare Ite he gaue vnto Sam<sup>l</sup> son to Sam<sup>l</sup> Very 1 : younge horse yeare old and the vantage It he gaue vnto Elizabeth : the Daughter of Sam<sup>l</sup> Very 1 : cowe & 1 heifer of 2 years old and 1 Iron pott It he gaue vnto Sarah the Daughter of Sam<sup>l</sup> Verey one Cowe one hieffer of three years old and all my beding one Chest and that that is in it and one Iron Kitle my peweter & sixe pounds ten shillings in the hands of Tho. Flint.

“ It he gaue vnto Emme Muse one Cowe. He apoynted & Constituted Sam<sup>l</sup> Verey his son in law his Executor.” Wit: Tho. (his mark) Antrum and Thomas (his mark) Flint.

†Inventory of estate of John Wooddes, taken by Thomas James,§ Thomas (his mark) Flint and Thomas (his mark) Antrum : Two oxen, 12li. ; 4 cowes, 15li. 10s. ; 3 heifers, 9li. 10s. ; one maire, 13li. ; one horse colt, 6li. ; a bed rugge and blanket, 1li. 10s. ; a chest and a sheett, 12s. ; a 3 pint pot, a pewter bottle and a porringer, 5s. ; an Iron pot and pothookes, 10s. ; an Iron kettle, 12s. ; in Thomas Flints hand, 6li. 10s. ; his wearing clothes, 3li. ; in mony, 6s. ; total, 69li. 5s.

‡“ That w<sup>th</sup> John Leach senior spake about the disposinge of his estate.

“ We whose names ar underwritten, beinge both in one roome, about halfe a yeare before the decease of s<sup>d</sup> John Leach Senior, the sayd John Leach comminge in from worke he sayd unto us he was so sicke he thought he should haue falln downe dead at his worke : & he did feare that he might at one tyme or other dye suddenly : therefore he did desire of us both (that if in case it should so fall out) to be witnesses that all that he had he gaue unto John Leach, and at another tyme hauinge further conference about the disposinge of his estate unto the sayd John Leach we told him there were seueral John Leaches he should doe well to expresse w<sup>th</sup> of them he sayd to John Leach the son of Richd Leach : sayinge further that he had was but litle, if he should decide it it would come but to litle.” Elisabeth (her mark) Buxton and Mary (her mark) Felton.

§Antograph.

¶This was written throughout in the first person, and then changed to the third.

Felton; Richard Leach, executor. Amount of inventory,\* 33li. 12s. 10d.

Joseph Armytage fined for excessive drinking.

Richard Welch to serve Michael Smith as an apprentice for six years from Feb. 1, 1656, to Feb. 1, 1662, to be taught navigation.

John Hathorne's license for selling wine, beer, strong water and provisions renewed.

Robert Pattashall appointed administrator of estate of Peeter Pitford, deceased.

Five pounds allowed to Topsfield toward building a bridge sufficient for horses at least, to be made over the river near William Towne's house.†

William Robinson discharged from training, paying a bushel of Indian corn yearly to the company.

\*Inventory of the estate of John Leach, sr., was taken 20: 10: 1658, by Daniel (his mark) Rea and Henery (his mark) Cooke: House, orchard & 6 acres of land, 13li.; 20 acres of land & 2 acres of meadow, 3li.; 1 ox, 5li.; 1 Cow, 2li. 10s.; 1 calfe, 18s.; 1 sheep, 16s.; in Corne, 2li. 16s. 6d.; his wearinge apparel, 2li.; his beddinge, 2li.; 1 Cart, 1li.; 1 smal pot & kete, 10s.; 1 chest, 2 axes & other old Lumber, 1li.; in hay, 1li.; total, 35li. 2s. 6d. In yarne, 1li. 1s.; an old table and a gun and sword, 1li.; total, 37li. 3s. 6d. Debts: To Philip Veren, 6s.; Adam Wesgate, 4s. 6d.; John Ingersol, 3s.; Willyam Curtis, 5s.; Ed. Beeoham, 2s. 6d.; Tho. Ricks, 1s. 4d.; the Cow keeper, 4s.; John Burton, 3s.; John Grover, 1s. 4d.; the charges of his burial, 1li. 10s.; rates for 2 yeare, 10s.; total, 3li. 10s. 8d.

Thomas Pitman, † of Marblehead, constable, complained to court, 28: 1: 1659, that James Smith and wife, "who are adhering to the Quakers and an euile example to others," absented themselves from public worship.

A note of what has been disbursed in the town of Ipswich for the county: For repairing the bridge, 8li. 2s. 4d.; sending three Quakers to Boston, 1li. 6s.; charges for the Quakers at Mr. Baker's, 6s. 6d.; for serving beer to the workmen about the bridge, 2s. 6d.; total, 9li. 18s. 4d. Rendered by William Goodhue, † for the selectmen, 3: 12: 1658.

†Petition of the town of Topsfield, signed by Zaccheus Gould and Francis Peabody, in answer to a presentment of this court. They stated that they found the work heavy, and "are forced to seek out for some help," etc.‡

†Autograph.

‡Petition torn.

William Jegles died intestate. Amount of inventory,\* 148li., which the widow shall keep in her hands for her use.

John Kitchin bound to appear at next court, if he be in the jurisdiction, to answer to his not consenting to the verdict of the grand jury, being one of them.

George Norton's license renewed.

John Williams and Gabrill Collens presented for living from their wives. Mr. William Browne promised to see that they were sent for and to make provision for the expense of bringing them over.

Richard Stackhouse possessed a ten-acre lot, which was the land of Richard Frithy, deceased, divers years since, and none to claim it. Richard Lambert, deceased, was formerly paid for it. Mr. Stackhouse ordered to keep it.

Hugh Laskin died intestate. Amount of inventory† of his es-

\*Inventory of estate of William Jigles, taken 26: 3: 1659, by John Browne,‡ John Gardner‡ and Edm. Batter: † One dwellinge house & house Lott, 35li.; ten Acres of upland, 3-4 salt marsh & of meadow a small pcell about the upland, 9li. 10s.; 1 Cow, 4li.; 5 yewes, 5li., 1 pige, 4s., 9li. 4s.; 1 Tableboard & 2 formes, 1li.; 1 Chest, 18s., 1 Cubburd, 12s., 1 bedpane, 12s., 2li. 2s.; p And Irens, 10s.; 1 friing pane, 5s.; 1 earthen basun, 16s.; Basen & Ewer, 2 Candlsticks & Salt, 16s., 7 Cushings, 20s., 1li. 16s.; 1 Remnant of Carsy, 32s.; 1 Carpet & brush, 9s., 2li. 1s.; Aparell, 4li., 1 feather bed, 2 bolsters, 1 Rugg, Curtayns, bedsteed & hangings, 10li.; gune & sword, 5s., brasse, 33s., pewter, 30s., 3li. 8s.; silver beker, 2li., fire shovel, tonges, spit, &c., 4s., 2li. 4s.; 4 Chaires, 1 small Table, 10s., earthen ware, &c., 13s.; bookes, 10s., carpenters tooles, 25s., Iron potts & hangers, 20s., ockum, 3s., 2li. 18s.; sheets & table Linnen, 7li.; new linen, 20s., and an old bed & Rugg, 30s., 2li. 10s.; cash, 3li. 16s., 2 old Chest, table & forme, 15s., 4li. 11s.; flax & yarne, 6s., 1 bushel Indian Corne & bag, 4s., 10s.; 1 Grindston, 2s.; 1 kitle, 10s., 12s.; a Katch named William with her apurten., 50li.; total, 145li. 15s.; a small pcell woole, 5s.; a old boate, 2li.; total, 148li.

The children, or three of them, were married in town long since, the other abroad at sea. The eldest son was in England and the master of a ship. On 28: 4: 1659, it was ordered that the estate be left in the hands of the widow Elizabeth, for her necessities while she lived, and be disposed of by the court at her decease.

†Inventory of the estate, taken Mar. 21, 1658-9, by John Mars-

‡Autograph.

tate, 58li. 2s. 10d. Two-thirds of it ordered to be paid to Damoris Mansfield, who was the wife of Timothy Laskin, son of Hugh Laskin, deceased, and the rest to the wife of Henry Hericke, daughter of Hugh Laskin, deceased; Paule Mansfeild, husband of Damoris, to pay 5li. each to Timothy Laskin's two sons, John and Timothy, who were under the age of twenty-one years.

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ton\* and Samuel Pickman: \* A black dimicaster, † 8s.; 3 1-4 yerds of mixt Lincie woolsey, 6s. 8d.; 4 yerds of mixt kersie at 6s. 7<sup>3</sup>/<sub>4</sub> yerd, 1li. 4s.; a wainscott chest, 5s.; a red shagg cotton petticoate, 5s.; a mixt Woollen Whittle, † 6s. 6d.; 6 ordinarie shifts & 6 ould shifts, 15s.; 2 sives, 1s. 6d.; 9 pecks of Wheat eaten with Weevells, 2s. 3d.; 3 Bushells of Mault, 12s.; 3 Bushells of Indian Corne eaten with Weevells, 5s.; a paire of Boddies & a paire of drawers, 3s.; 3 small wedges & a beetle ring, 2s. 6d.; a brass pann, 10s. 6d.; a pott of suger of about 9 lb., 6s.; 3 brass kettles, 9s.; 3 Iron potts, 15s.; a brass Cullender, a brass Candlestick, & a pewter porringer, 2s.; 3 pewter dishes & 1 small dish & a small bason & a boale, 8s.; a Warming pann & a bell mettle mortar, 8s.; a fryeing pann, 11 bands, 2 capps, & 6 handkerchers, 2s. 6d.; a pewter brimm bason, 2s.; 2 pillow beares, 3 crossclothes & a neck-cloth, 3s.; a small box, 1s.; 2 spades & a dung fork, 2s. 6d.; 3 Bushells & 3 pecks of Mault, 15s.; 4 pc. of porke, 2s. 6d., 3 pc. of bonie beoffe, 1s. 6d., 4 pc. nought, 4s.; 3 ould wastecoates, 2 ould blanckets & an ould Coate, 4s.; 1 ould petticoate & 2 paire of breeches, 1s.; a small pott of butter & a gallon of oyle, 3s.; a table & forme, a bedstead & 3 ould chaires, 17s. 6d.; 2 mens Coates, 10s. 6d.; & a Cotton cloth apron, 1s. 6d., 12s.; 2 white woollen blanckets, 14s. & a white cotton sheete, 6s., 1li.; fether bed & a flock bed, 3li. 10s.; a fether boalster & a fether pillowe, 15s.; a Canooe, 14s., 2 ould Cushions, 2s., 2 axes & a hatchet, 2s., 18s.; 1 ould crosscutt sawe, 1s. 6d., a black brush & a towell, 1s., 2s. 6d.; 2 Cowles & a peck, 3s., & a load of wood, 3s., 6s.; a blewe Trucking cloth blanckett, 6s.; 2 pitch forks, 1s., 2 small cobb Irons, 1s. 6d., 2s. 6d.; 2 paire of pott hookes, 1s. 3d. & 2 hake., 2s., 3s. —; 2 furr, a toasting fork & a paire of tongs, —; a smoothing Iron, 4d.; 2 paire of ould shoes & a paire of boots, 3s., 3s.; cloth suite & a wastecoate, 18s.; a mault mill, 2li.; 2 Cowes, 6li. 15s.; a paile & a Mawle, 1s.; a stone Jugg, blewe & white, 2s.; a Tenn Acre Lott, 6li.; 3 quarters of an Acre of Marsh in 2 pl., 1li. 16s.; money in his Pockets, 9li. 11s.; A debt due from Mr. Edmond Batter, 6li.; a debt due from Mr. Henry Bartholmewe, 9s.; A debt due from Tho. Hayle of Salem, 2s.; total, 52li. 4s. 10d. Debts due from Willm. Hascal, 5li. 8s.; a house plott in Salem, 10s.; debt due

\*Autograph.

†Beaver of inferior quality.

‡A shawl worn by women of the west countie of England.

Jon. Godfery bound to appear at the General Court or Court of Assistants.

Major Hathorne and the marshal to sell a ten-acre lot in the possession of Tho. Oliver for the use of the county; and also a two-acre lot, which had been in the county's hands for some time past.

from Roger Hascall, 5 Bushels of Indian corne, 15s.; total, 58li. 2s. 10d.

Petition of Damaris (her mark) Mansfeild. Her former husband, Tymothie Laskin, died, leaving two small children; and the charges for the burial of her father-in-law amounted to 6li. 10s. The court was asked to settle the matter of the estate.

Presentments, 27: 4: 1659, signed by Edmond Batter,\* foreman:—

From Gloucester:—

Town of Gloucester, for defects in their stocks. The stocks being mended, and the court satisfied, and the town is to pay 30d. fees. Wit: John Pearse.

Town of Gloucester, for want of a bridge over the cut to the lands of William Stevens, respitted till next court in Salem, against which time he was to make the bridge, or the town to answer his presentment. Wit: John Pearse, William Vincen and Jeffery Person.

From Lynn:—

Wm. Craft, for a pound breach. Wit: Dan. Salmon and Franc. Burrell.

Benjamin Chadwell, for smoking tobacco near a house amongst combustible matter. Wit: Fr. Burrell and Tho. Ivory.

John Bread, for smoking tobacco near a house amongst combustibles. Presentment not found.

Joseph Armetage, for drinking to excess. Confessed and was fined. Wit: Tho. Wheeler, Georg Keisore and Ed. Richards.

From Salem:—

Sarah Clerk, for stealing a silk scarf from the house of Jno. Putname, jr. Confessed to Tho. Putnam. Fined.

Rich. Stackhouse, for abusing the wife of Franc. Skery in saying that she was a blot and reproach to the church and a rotten member and a scandal to the Gospel. Wit: Hen. Skery and Kethrine Howard.

Wife of William Ellet for abusing the wife of Jno. Rayments, saying she was a fire brand of hell for her lying tongue. Wit: Jno. Rayment and wife of Edw. Bishop. To pay ten shillings or make acknowledgment at next lecture at Salem. She paid the fine and costs.

\*Autograph.

July 1, 1659, William Lord, sr., protested against any deed in his name to the use of the church of Salem, etc.

Nicholas Phelps' wife fined 10li. for absence from meeting.\*

Tho. Putnam, Robert Band, Tho. Farrer and John Vinton allowed witness fees.

Mr. Gedney to be paid his due and expenses.

Constable Scerry allowed 4s. for going to serve warrants at Marblehead.

Servants of the house to have five shillings.

Marblehead presentments to be heard by Maj. Will. Hathorne.

Mr. John and Mr. Zarubabell Endeoot and Danyell Samons fined for excessive drinking.

Fined by the constable of Lynn, Tho. Newell: Thomas Browne, for drunkenness; James Bety, for drinking and swearing; and Callum Mackasacion and English Mackakaion, for being drunk. Newell promised to pay.

Fined by Major Hathorne, 4 : 1 : 1658-9: Mary Seers sentenced to pay to Mr. Corwin and to the country for receiving and dressing stolen goods in her house, etc., in the absence of her husband, and Robt. Lemon engaged to pay; Walter Joy fined for being drunk, and Tho. Pitman promised to pay; Tho. Payne fined for stealing, and his master and he agreed.

Power of attorney given by Mr. Hugh Peeters to Mr. Charles Gott, "taken out of a booke of his written with his owne hands, being in my custody dated

"Salem : 27 : 5 : 41

"If the Lord Continue my life, then I heareby doe Authorize them to doe in all my affaires, as yf I my selfe were present, as in looking into my house, to dispose of my ground, mill, & other things, as in wisdom they shall see meete.

"Out of a private letter of his dated 20 : 2 : 52

"I wish you all good, & pray you to sell my mill house or what you will, that may well be pted with."

Copy made by Hilliard Veren, clerk.

Indenture of Thomas Lyon, son of John Lyon, sometime of Marblehead, who bound himself by order of this court to Frances Collins of Salem, carpenter. Dated, Nov. 1, 1658.

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\*Wit: Serg. Jno. Porter, Corp. Tho. Putnam, Nich. Potter and Ed. Batter.

Court held by Maj. William Hathorne, 3 : 8 : 1659 :—

James Smith to be summoned, having been called, and did not answer.\*

Richard Rowland admonished for sleeping in public service. He confessed that he slept sometimes.\*

Thomas Gray fined for swearing. Will Charles and John Codner promised to pay it.\*

Christopher Codner fined for striking Richard Reade with his hand. Wit: Erasmus James, jr.†

Elias White and Will. Wood presented for striking each other in the ferry boat. White fined.‡

Tho. Pitman, constable, allowed two shillings for attendance, which was to be paid by the delinquents.

COURT HELD AT IPSWICH, SEPT. 27, 1659.

Judges: Mr. Symon Brodstreet, Mr. Samuell Symonds, Major-Genll. Denison, Mr. William Hubart and Maj. Will. Hathorne.

Grand jury: Georg Giddings, Ens. Tho. Howlett, Renold Foster, Symon Tompson, Edward Bragg, Jacob Perkins, Abr. Tappen, Dan. Thurston, Antho. Sumerby, Sam. Broocklebank, James Barker, Tho. Lever and John Ossgood.

Jury of trials: Lt. Sam. Appleton, Joseph Medcalfe, Robert Day, Will. Addams, Serg. Tho. Clarke, John Whipple, Will. Tittcomb, Steph. Swett, Tristram Coffin, Will. Acye, Rich. Swann and John Tod.

The constable of Topsfield fined for not making return of juryman.

Major-General Denison v. Samuell Symonds, gent. Trespass. For taking away a load of hay and grass. Special verdict: That if Mr. Wade's testimony concerning the bounds and Mr. Hall's concerning the bounds of Mr. Winthrop's farm be valid to prove a legal title, notwithstanding the opposition, together with possession, they find for defendant; if not, for plaintiff. The court found that the land on which the hay grew was the plaintiff's by many years' possession and within a fence set up by agreement between

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\*Marblehead presentment.

†Wit: Tho. Ellis. Marblehead presentment.

‡Wit: Tho. Ellis, Jno. Codner and Edw. Reade.



them. Judgment for plaintiff. Appealed to next Court of Assistants.\*

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\*Daniel Denison† deposed that July last was twenty-four years since "the line of partition between the farme granted to Mr. Dudley & myselfe and Mr. Winthrop & Mr. Wade was agreed to and concluded by Mr. Wade, John Gage & myselfe, there being also present as I remember Goodm. Perkins, Goodm. Shatswel & John Manning, which line was to run from a walnut tree then standing neere the now dwelling house of Willm. fellowes, through a glade or hollow in the Eagle's nest, where the fence now standeth to Labour in wayne Creeke. That the Lot layers (whereof John Gage was one, Mr. Dudley being also present) layd out our farme from the sd line & particularly from a straight red oake then standing in the glade (felled by mr. Eps about 3 or 4 yers since as I am informed) which was marked by them or by their orders. That our way to the farme being generally through the said glade or hollow close to the s<sup>d</sup> marked tree, and within 6 or 8 rod of the crotched tree. yet I never knew or observed any such crotched tree upon the Eagles nest nor ever heard of any bounds claimed to it til the last winter." Dated, Sept. 27, 1659.

Jonathan Wade also swore that the discourse was not all upon one day, etc., in court at Ipswich, Sept. 27, 1659.

Maj. Gen. Dennison's bill of costs: John West, 1 day, 2s.; Robert Roberts, 2 days, 3s.; fetching home a testimony from exeter, 2 dayes, 4s.; Richd. Brab: 2 dayes, 3s.; The actions entring my owne attendance, 7 dayes, 20s. 6d.; fileing 17 evidences, 2s. 10d.; total, 35s. 4d.

Elder Whipple, Mr. John Appleton, Theophilus Willson and Richard Brabrooke deposed that in July last, standing about the fence near William Fellows' house where they say the walnut tree stood, etc. Sworn in court at Ipswich, Sept. 27, 1659.

John West deposed that about seventeen years before he lived at the Major-General's farm, having hired it, etc. The fence was made by ditching the meadow and by rails on the upland. Sworn in court, Sept. 27, 1659.

John Gage, aged about fifty years, deposed, mentioning Mr. Wade, John Sechwell and John Manning. Sworn in court, Sept. 27, 1659.

Samuel Hall deposed that about twenty-three or twenty-four years ago Mr. Winthrop's farm was laid out. Richard Jacob was one of the lot layers, and they said that there was no need to mark the bound on that side for the tree was so obvious a mark, standing right in the line, etc. Sworn, Sept. 27, 1659.

John Gregory, Gilliorest (his mark) Rosse and Phillip (his mark) Wellsh deposed that they heard Richard Brabrooke say, at

†Autograph.

Mr. Robert Payne v. John West. Debt. Withdrawn.

William Fellows, tenant to Rich. Saltonstal, Esq. v. Henry Bennett. Trespass, for taking his hay off his land and by claiming his land for which he paid rent. Judgment for plaintiff. Defendant appealed to Court of Assistants.\*

their master Symonds' house, that the hay was his and he would have his pay for it, and that the Major had nothing to do with anything there until some time in March. Sworn in court, 27: 7: 1659.

Corporal Gage deposed that the forked tree was the bound.

Richard Brabrook deposed that "last Spring when M<sup>r</sup> Symonds atatched me about the land now in controversy I considering that I had but one yeare of my lease to come and that I was then removing to another farm I had hired and not willing my landlord should be wronged by my want of skil to deale in law and to avoyd trouble I did [at that time] upon these considerations give up all the interest I had in that land to my landlord, the proffit that would be of that ground for one yeare I know would be little or nothing to me," etc.; that he had known the farm for fifteen years, and there had always been a tall straight tree in the hollow of the Eagle's nest, until Mr. Eps felled it, etc. Sworn in court.

Jonathan Wade,† George Giddinge,† John Dane,† Thomas Bishop,† Simon (his mark) Tomson, Daniel Hovey† and Thomas Burnum† were appointed by Mr. Symonds to view the forked tree, etc., last of Sept., 1659. Sworn in court.

John Gage deposed that he laid out the land, etc. Sworn in court.

Robert Roberts, aged about forty years, deposed that he had known the farm from the first, and for divers years was employed there to make hay and tend cattle in winter, when Mr. Winthrop made use of his farm, and for twenty-three years had never heard of any forked or crotched tree nor of any other but a line from a walnut tree near Goodman Fellows' house, etc. Sworn in Ipswich court.

Jonathan Wade deposed that when laying out the lots they came to a walnut tree near the fence which is now between William Fellows and Henry Bennet, etc. Sworn in court at Ipswich, Mar. 29, 1659. Copy.

\*Writ, dated, Sept. 22, 1659, signed by Robert Lord,† for the court, and served by attachment of eight acres of land, by Edward Browne,† marshal.

William Fellows, aged about fifty years, deposed that about fourteen years since there being a fence to be made between Mr. Saltonstall and Mr. Wade, Mr. Saltonstall desired the deponent to go to Mr. Wade and Goodman Gage and ask to be shown the line now

†Autograph.

Lt. Samuel Appleton v. John Foster. Trespass. For taking tobacco contrary to law. Verdict for plaintiff, 200li. The parties agreed to call it 20li.\*

Zacheus Goold v. William Nicolls and William Clarke. Trespass. Withdrawn.

Symon Tuttle v. John Haseltine. Trespass. For withholding a mare and mare colt. Verdict for plaintiff, 30li. if the mare and colt be not at Mr. Baker's within a month.†

in question, which accordingly they did, etc. Sworn in Ipswich court, 27 : 7 : 1659.

John Gage deposed that they altered the line somewhat when Mr. Wade's farme was laid out. Sworn in court.

Robert Roberts, aged about forty years, deposed that he had known this farme of Henry Bennett's which was formerly Mr. Wade's above twenty-four years, being employed there for five years, etc. Sworn in court.

Jonathan Wade, sr., Samuel Graves and John Gage deposed. Sworn, 27 : 7 : 1659.

Daniel Denison deposed that above twenty years ago while Mr. Dudley possessed the farm they cut the grass and made the hay for several years without any molestation, etc. That the line was between the two houses on the farms to Chebockque creek by the utmost point of an Island. Sworn in court.

\*Thomas Jakob, aged about eighteen years, deposed that upon some discourse with John Foster about the burning "of my uncle's barn," he said it should be a warning to him as long as he lived. Sworn in Ipswich court, 27 : 7 : 1659.

Frances Walker deposed that immediately before his master's farm was afire, he saw John Foster smoking his pipe at a stump about a rod or two distant from the corner of the barn, where the fire started. John Foster told him immediately after the burning that it should be a warning to him as long as he lived, etc. Sworn, 27 : 7 : 1659.

Lt. Appleton affirmed that John Foster showed him a place near the barn where he took tobacco and, as he said, put out the fire of his pipe.

†Writ, dated, Sept. 17, 1659, signed by Robert Lord,‡ for the court, and served by Edward Browne,‡ marshal, by attachment of house, barn and twenty acres of land of the defendant.

Tho. Lowthrop‡ deposed, Sept. 26, 1659, that the mare was once his, but went astray and was then in the custody of Goodman Gould. Mr. Tuttle was also present, and having been at some charge about the mare and colt, deponent fully gave them the colt for their trouble and charge.

‡Autograph.

Plaintiff's bill of costs : Thomas Giddings and Goodman Grifing, witness fees, and trips to Charleston and Romlemarsh.

Sarah Martine, aged about twenty-six years, deposed that "I heard my father m<sup>r</sup> John Tuttle & my mother his wife say y<sup>t</sup> y<sup>e</sup> Graye mare y<sup>t</sup> was some tyme kept at Cozens John Tuttlles Farme att Rumlie Marsh was my brother Simonde Tuttlles Mare & was giuen to him when she was a foule, and y<sup>e</sup> afores<sup>d</sup> mare hath binn in my Brother Thomas Burnums keeping since my mother went for England." Sworn, 13 : 4 : 1659, before Val. Hill,\* commissioner.

Robert Smith, aged about thirty-three years, deposed that "I liveing with M<sup>rs</sup> Tuttle (Symon Tuttlles mother) about 8 or 9 year agoe I heard the abouesayd M<sup>rs</sup> Tuttle say that that young mare colt which was then in my sayd M<sup>rs</sup> keeping which colt I was informed came of that stray mare that was challenged & had away by Capt. Lawtroope I say that he sayd M<sup>rs</sup> Tuttle sayd that that mare colt was her son Symons colt this was when her husband M<sup>r</sup> Tuttle was in England, this colt was branded upon the neare shoulder with an E." Sworn in Ipswich court, Mar. 29, 1659. Copy.

John Tuttle, aged about thirty-three years, deposed that "I heard my uncle M<sup>r</sup> John Tuttle & my aunt his wife say that that mare that Thomas Burnam fecht from my house at Romle marsh was Symon Tuttle his mare & that he left one colt there with me being then about 4 years of age & that I have heard my sayd Aunt say since my Unckle went away, being in my unckles stead that this abouesd mare was her sonn Symons mare. And I further say that y<sup>e</sup> sayd Burnam had," etc. Sworn, 21 : 1 mo : 1658-9, before Thomas Marshall, commissioner. Copy.

John Giddings, aged twenty-one years, deposed that "I herd my Unkell Martyng Ask my grandmother Tuttell to let him have the gray mare that was sometimes kept at my Unkell Thomas Bornoms," etc. Sworn, Sept. 20, 1659, before Samuel Symonds.\*

Thomas Giddings, aged about twenty-three years, deposed that "when my granmother Tuttell dwelt at Ipswich I hard hir say that the gray mare was her son Symons and it hath bin in Thomas Bornoms keeping since my granmother went for England. The mare had been called Symons' by my unkell John Tuttell & by my Ant hanah" and others. Sworn in Ipswich court, 27 : 7 : 1659.

Johanah Grene, aged fifty-nine years, deposed that "when my sister Tuttell dwelt at Boston the same yeare she went to England she was saying shee would goo to Ipswich and I asked hir if she would goo By Boat or Ride And shee toald mee shee would Ride upon hir sonn symons meare which was at his Cosen John Tuttlles att Romlie march." Sworn, Sept. 24, 1659, before Richard Russell.\*

Edward Hecock, aged twenty years, deposed that "4 or 5 yrs. ago he heard M<sup>rs</sup> Tuttle say that the mare & fole that was in my master John Tuttlles keeping at Romlee Marsh was her son Symons & that Thos. Burnam took it from his masters farm & left them a

\*Autograph.

gray horse, at another time I heard his brother Tuttle say that the mare was his." Sworn, 21 : 1 : 1658-9, before Thomas Marshall, commissioner. Copy.

Humphry Grifing, aged fifty-three years, deposed, ' that " before Mistris Tuttell went for Irland," etc. Sworn in Ipswich court, 27 : 7 : 1659.

Mary Burnam, wife of Thomas, aged thirty-five years, testified, " that twice in that letter my mother sent in answer to my husband when she was readi to goe out of cuntry my mother called the ould mare and colt part of her husband's estate." Sworn in Ipswich court, Apr. 29, 1659, by Thomas and Mary Burnam.

Letter addressed " To her louing Son Gorg Giding dwelling In Ips in Newengland these :"

" Sone Giding and dauter

" these are to lett you understand that the lord hath taken to himself my deare husband & left me disolat In a strang land and in dept by Reson of Simans keeping the Returnes from barbadous, grife that | he | hath taken for his to sonns hath brought | upon him | a lingring deseas lost his stomuce and pined away never sick tell the day before he died which was the 30th of december I pray talke | with | M<sup>r</sup> Jeutt about that which I left with you & him this 3 yeares. I have nott hard of any thing that he hath done I cannot hear of the cattell nor what increas the mare hath nor the Rent I pray lett things be Ready for I have wright to John lawrence to take them into his hands if Simon ore John should com lett nott them medell with any thing there, my husband hath given them som thing in his will which I shall paie them, now I will keep the state in my one hand as long as I live it may be I may se new ingland againe I pray louke to my house that it be nott Ruined, hanna is to be maried shortly to a good husband one that lous her well and a hansom man she is a great comfort to me, I sent Jane a smale token by M<sup>r</sup> weber that went from hence to Jeimcas and so to new england I like Ierland very well we haue had nether frost nor snow this winter butt very tempeat weather which agrees with me well my husbands death went neare, the lord give me good of it & make up my losse in him selfe a teach this — sharp Rod to submit to the will of my god that — I had need of it I pray Remember me att the throne — I should be glad that you would Right to me that I may heare from you I haue not one letter this yeare which I wonder att Remember me to all yours and to all my frinds that aske of me, no more att present butt the lord bless you with all sprituall blessings in heavenly things in Christ which is the prayer of your afecinat mother

" Joanna Tuttell\*

" hanna Rem her kind loue to you & all yours

" Carrickfergus the 6<sup>th</sup> of Apriell 57."

\*Autograph.

Thomas Bishop v. John Applefourd. Debt. Verdict for plaintiff.\*

Letter addressed "To my Deare & Louing Daughter Jane Gidding att Ipswich in New England, These :"

"Daunter Jane hauing an oportunity I could nott omit to lett you understand that we are all in good health blessed be god. I hop you Receaved my last dated in february wherin I wright largly which now I shall omit god hath dealt graecously with me and fred me of the troubles of the world the lord giue me grace now to spend the litell time I haue to liue, more to his glory the letter I Receaved from you I lay by me as a cordiall which I often Refresh my selfe with If you know how much it Rejoyced me to hear from you, you would nott omite I pray lett me hear how your breach is made up in Respect of the minstrey which I long to hear, if you haue M<sup>r</sup> Cobete I pray present my loue to him and tell him I liue under a very honst man, wher I inJoy the ordinances of god In new england way we want nothing but more good company the lord increace the number, Jaen I pray intreat your husband to looke to oure besines I hear Richard Schwel hath paid noe Rent I pray speake to him and gett it 48<sup>u</sup> send me word what increase ther is of oure mare and whether Thomas Bornum have groucelled the house ore not simon deals very bad with his father he lies at Barbados and sends noe Retorns butt spends all, his father will haue no mor goods sent to him, I could wish I had no such cause to writ I thinke he & John intends to undoe ther father, Jane you haue || many || sons the lord blesse them & make them comforts to you & nott such afflictions as ours are I haue done only my dear & harty loue to your husband & selfe and children I leav you to the lord how is abell to keep and preserve you to his heauenly kingdom which is the prayer of your dear and louing mother  
" Joanna Tuttell†

" Carrickfergus

" Oct the 3<sup>d</sup> 56

" my deare loue to you yo<sup>r</sup> husband and yo<sup>r</sup>s.

J. T."

Written on reverse of letter:—

" Hatts a combe: *yards* a nayld of sea: yard & 3 qua — for beek—5 yards english mohire triming 4 yard haf lase at 6<sup>d</sup>: 4 yards of lac for my wife becks to — 4 yards lace & someth to border it: silck to set it on 3 yards for abbegal coat 2 yard of serge for a dublet for mee a knife for James and a incorn for Sam Simon a shirt hollen at 4<sup>s</sup> or dowles 3 yr half apern strings for Abys aporn also a good peniston to make my wife a wascoate with triming for it. Staroh 2l. *uoras blell* clasp for wascoat."

\*Robbert Powell deposed that John Appleford received of Thomas

†Autograph.

John Baker v. Corp. John Andrews. Trespass. For taking and marking his heifer.

Frances Ursellton v. John Godfrye. For not performing a summer's work. Verdict for plaintiff.

Serg. Thomas Hale v. Joseph Mussey. Debt. For ten bushels of wheat promised to be delivered to Mr. John Webb of Boston. Verdict for plaintiff. Two cases.\*

Bishop of Ipswich some particular goods, two great bars of iron, two pieces of serge, dimity, canvas, napkins, silk, powder, steel and a shirt cloth. Sworn in Ipswich court, 27 : 7 : 1659.

Writ, dated, 29 : 4 : 1659, signed by Hillyard Veren,† for the court, and served by Samuel Archard,† marshal.

Issack Ong deposed that he met with John Godfere at Goodman Parllys when he came out of Ipswich jail and he said he was engaged to work for Uselton all summer. Also for the want of twenty rods of two rail fence he suffered damage from a cow, etc. Sworn in Ipswich court, 27 : 7 : 1659.

John How† deposed that Godfree engaged to work for Usseltuns from the fifteenth or twentieth of April until Michaelmas, and was to receive eight shillings per week, and that he had received 4li. 14s., in consideration of service, etc. Sworn as above.

Danill Black and John Baker, jr., deposed that being at Goodman Usselton's house, they saw that about six acres of corn was spoiled for want of tending with the hoe, etc. Sworn in Ipswich court.

\*Writs, dated, Sept. 5, 1659, signed by Anthony Somerby,† for the court, and served by Anthony Morse, sr.,† constable of Newbury, by attachment of two cows of defendant.

John Knight deposed that being at Steven Swett's house about the middle of January last, he heard the bargain between Hale and Muzzy, etc. Sworn in Ipswich court, 27 : 7 : 1659.

Henry Jaques and John Halle deposed that Thomas Hale, sr., asked Joseph Mozey what had become of the ten bushels of wheat which he promised to send to Boston for him. He said he sent it down according to orders and that it was for him, etc. Sworn in Ipswich court.

Bill of charges : To Newbury to serve the attachment ; and going to Newbury to summon two witnesses ; total, 4li. 14s. 10d.

Walter Price, aged about forty-six years, testified that about Nov. 30, last, Joseph Mussy, being at deponent's house with Sergeant Heale, said that the ten bushels of wheat were ready at Boston, 24 : 7 : 1659, etc. Sworn, 24 : 7 : 1659, before Wm. Hathorne.†

Theodore Price, aged about sixteen years, deposed that Joseph Mussy and Sergeant Hale were at his father's house, etc. Sworn, 24 : 7 : 1659, before Wm. Hathorne.†

†Autograph.

Joseph Mussey v. Serg. Thomas Hale. For unjust molestation.  
Verdict for defendant.

Apphia Hale, aged about seventeen years, deposed that being "in her father's house with her father and Joseph Mussey of Newbury, Mussey agreed to make it good if the wheat did not arrive at John Webb's in Boston. Sworn, 26 : 7 : 1659, before Wm. Hathorne.\*

Fragment of a letter on reverse of above deposition :—

"passes by my Infirmities I desire that I may regu—him w<sup>h</sup> true & faithfull seruice I thanke god they haue —att the Charge to sett mee to schoole & through my master's diligenc w<sup>t</sup> mee and gods Blessing I have greatly Benefitted myselfe for my time but I hope hereafter to show better fruits of my learning then —eise are I would desire yo<sup>n</sup> good Mother to send my master Tenn shillings for my Arithmatique w<sup>h</sup> you promised to send the last mid-sommer I pray bee not —kward for my preferment for I hope to bee a comfort to yo<sup>n</sup> in yo<sup>r</sup> old age Allso I would desire yo<sup>n</sup>— Apparrell me Like an App<sup>n</sup>tice for yo<sup>n</sup> know how — ave it was w<sup>h</sup> I brought I pray Mother that w<sup>h</sup> — doe lett itt bee done Chearefully that soe itt may encourage my unkle & Aunte to Continue their loue towards mee Thus desireing yo<sup>r</sup> loue & your prayers — the Allmighty for mee I for thes time rest but neuer Cease to bee"

Mathew Moors deposed that being hired by Joseph Muzzy, May 3 last, with Abraham Waker to go to Plome Iland to fetch some cattle which Muzzy said should be for Goodman Hale if he could find them, they were so wild he could not bring them. Said Joseph and deponent the same day drove a parcel of sheep and a horse colt to Steven Swett's house where Goodman Hale was ; a little before they came to the house, deponent saw him there, but when they came to the house he was gone, etc. Sworn in Ipswich court, 27 : 7 : 1659.

John Knight deposed that the last of March or beginning of April, Joseph Muzzey desired deponent to go to Boston and it was found that Mr. John Webb had received the wheat, etc. Sworn in court.

Bond of Joseph Muzzey\* of Newburrey to Thomas Hale of Salem, for 28li. 10s., to be paid in a mare of his, now in the woods, and the remainder in young cattle, as soon as she can be found to be delivered to Thomas Hale, jr., of Newbury, etc. ; dated, Nov. 30, 1659. Wit: Wa. Price\* and Theodore Price.\*

Writ, for debt, dated, Sept. 5, 1659, signed by Anthony Somerby,\* for the court, and served by Anthony Morse, sr.,\* constable of Newbury, by attachment of house and land of defendant.

John Hale\* deposed that he received a note from his father, Thomas Hale of Salem, to tell Mussey he should not come to

\*Autograph.



John Andrews v. Rich. Brabrooke. Trespass. For damage done in his corn by hogs. Withdrawn.

Alexander Knight v. Robert Collings. For breach of covenant, forfeiture of a bond. Verdict for defendant.\*

Thomas Lufkin v. Lt. Sam. Appleton. Trespass. For attaching a cow which he bought of John Foster, and detaining her. Verdict for defendant.

Richard Coye had his license to keep an ordinary and to draw wine and strong water at Wenham renewed for one year.

Court confirmed administration granted by Hon. Samuel Symonds and Major-General Denison to Robert Clements upon estate of his brother, John Clements. Inventory brought in, amounting to six score and ten pounds.

Mathew Moores of Newbury, bound to good behavior, was discharged.

Corp. John Andrews and Anthony Crosby bound for Andrews' good behavior.

Will of Henry Travers presented, not proved; administration was granted to his widow, Bridgett, now wife of Richard Window. Nicolas Walington, who married his daughter, Sarah Traverse, had already received three pounds, and the court ordered the adminis-

Salem, and that he would withdraw his action. Henry Jaquis deposed the same, etc. Sworn in Ipswich court, 27: 7: 1659.

Mathew Moores and William Neph deposed that on May 3d, last, they went with Joseph Muzzey to Henry Jaques' house and drove a yearling horse colt and twenty sheep to Goodman Hale's in payment of bill, etc. Sworn in Ipswich court.

\*Articles of agreement between Alexander Knight and Thomas (his mark) Rowell† and Robert (his mark) Collings, all of Ipswich; farm let and lease of all of Knight's land in Ipswich, except two acres and his house lot, also two oxen, two plows, cart, sled, yokes and chains, for seven years, for sixteen pounds, and corn and hay sufficient in the judgment of Richard Kemball and John Gage for the wintering of three cows; also to plow the two acres and his house lot twice a year, and to bring him his firewood; also to carry him a load or two of clay if he need it; dated, Feb. 19, 1656. Wit: Robert Lord‡ and William Norton.‡ Mr. Payne's land mentioned.

Bond of Thomas Rowell and Robert Collings. Wit: Robert Lord‡ and William Norton.‡

†Seal.

‡Autograph.

tratrix to pay them twelve pounds more, and to the son, James Traverse, thirty pounds when he comes of age, and the rest of the estate, which amounted to 92li., to the widow, the land to stand bound for the children's portion.

Frances Urselton, having attached John Godfry and action not entered, Godfry was allowed costs.

Luke Wakeling was released from training, paying one bushel of Indian corn a year to the use of the company.

Francis Urselton, bound to good behavior, was discharged.

Francis Plumer of Newbury released from training, paying eight shillings per year to the use of the company.

Robert Punell was committed to house of correction for contempt of court.

Richard Shatswell fined for contempt of court, in charging his servant, Robert Punell, not to answer the court. He acknowledged his error, and the fine was remitted.

John Haseltine, for his venter of the mare and colt he bought of Marchent Jewett of Mr. Tuttle's goods, and his cost being recovered out of his hands by Symon Tuttle, the court allowed him to be paid.

Whereas Mr. John Tuttle died in Ireland about two or three years ago, and there being no will or administration and the heir appearing and desiring to have the house and land which was his father's, the court ordered that if the heir, Symon Tuttle, gave security to repay the rent he shall receive and keep the house in repair, he might take the estate into his possession until the court takes further order, the widow's thirds being reserved during her life. Thomas Bishop was the surety.

William Hobson of Rowley died intestate, and administration upon his estate was granted to his widow, An Hobson. Amount of inventory, 446li., clear estate. Three children. Division: To eldest son Humphry, 150li.; and the two younger sons, 73li. each, when of age; rest of estate to the widow, who was to retain the whole in her hands until the children are of age. Elder Reiner and Maximilion Jewett, overseers. If An should change her estate, she was to give security for payment of the children's portion.

Corp. John Andrews petitioned the court to abate his fine.

Humphry Griffen was fined for receiving cattle under execution, and bound to good behavior.\*

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\*Robert Payne deposed that Goodman Griffin came to his house

Richard Shatswell fined for taking a load of hay from Walter Roper.\*

Arther Sanden of Marblehead, who keeps an ordinary there, was licensed to sell wine and strong water until next court, and if the town does not approve to notify Major Hathorne and William Browne, that they might be present at a meeting when nominations were made.

William Young, servant to Mr. Symon Brodstreet, sentenced last court for fornication, and bound in forty pounds, forfeited his bond for his non-appearance in this court, etc.

Mr. Baker of Ipswich and Stephen Swett of Newbury had their licenses to keep ordinaries and sell wine and strong water renewed for one year.

John Foster acknowledged judgment to Lt. Samuell Appleton.

Humphry Griffen bound to good behavior until next court at Ipswich.

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and told him he had been with Mr. John Appleton and he had a bill in his pocket for barley, etc. Sworn in Ipswich court, Nov. 28, 1659.

John Appleton, aged about thirty-six years, deposed that Humphery Griffen came to deponent's house and told him that he was at his mercy, etc. Sworn in Ipswich court, 25: 9: 1659. Humphery Griffen also owned it.

Nathaniell Rogers, aged about twenty-four years, deposed that being at Lt. John Appleton's house, Humphrey Griffen came into the room where he was and told Mr. John Appleton that he was at his mercy now for the barley, for he had a bill in his pocket for the barley from Mr. Paine or Goodman Lord.

Humphery Griffen owned this in court at Ipswich, 25: 9: 1659.

\*Robert Punell testified that his master, Richard Shatswell, called him up in the night and they brought a load of hay from the stack that Walter Roper stacked up by his corn side and unloaded it in his master's barn by the break of day.

Walter Roper, aged about forty-six years, deposed that he heard Robert Punell say that deponent's hay was in his master's barn, etc., that Punell said he was afraid his master would desert him as he did about John Kimball's rope. He told deponent and Haniel Bosell that he would confess the whole truth, but for one thing. Sworn in Ipswich court, 27: 7: 1659.

Joseph Browne deposed that going to his father's marsh, he spoke with Robert Punell and asked him whether his master Satchwell and Goodman Roper had agreed. He answered that they had not, and deponent told Punnell he had better confess the truth, if he knew it. Sworn in Ipswich court, 27: 7: 1659.

COURT HELD AT IPSWICH, 24 : 9 : 1659.

Newbury, presented for defect in highways, was ordered to lay out a new one or mend the old one by the next court in March.

Robert Lord, jr., and Thomas Lord made free.

Daniell Epps deposed that being at Thomas Kemball's, in Hampton, he was desired to write a bill between him and John Woolcott of Newbury, which was for a house and land sold by Kemball, lying in Wells, Yorkshire, for eighty pounds, twenty pounds of which to be paid first of next May in cattle delivered at Newbury, and the remainder in corn and cattle at Rowley. Sworn in Ipswich court, 27 : 1 : 1660.

Daniell Wikcum fined for entertaining men's sons and servants at an unseasonable time in the night and for excessive drinking.

Thomas Allee fined for being drunk.

John Burbanke and Edward Neland fined for excessive drinking.

Ordered that Mr. Robert Payne, treasurer of the county, call in the balance of the accounts from the old treasurer, Mr. Batter, and pay a bill allowed by court to Theophilus Willson.

Edward Chapman, having received the part of the estate given by Marke Symonds to his children, bound to the county treasurer his house, which was late Mark Symonds, and twelve acres of land in common on north side of the river for payment of the children as they come of age, in all sixty pounds.

Symon Day for abusing Thomas Fiske in Mr. Newman's house bound to good behavior, and ordered not to stay in Wenham, but only to pass through.

Administration on the estate of Thos. Abbott granted to his widow Dorothy, his will naming no executor.

Mr. Willson is to get locks to secure the prison, and "what is wanting else to make y<sup>e</sup> dores and prisson strong."

John Smith discharged of his presentment.

Humphry Griffen was admonished upon his presentment  
Court allowed six shillings and eight pence to the house.

Births in Andover, 1659:—

Mary Chandler, daughter of William and Mary, July 5.

Mary Engolls, daughter of Henry and Mary, Jan. 28.

Timothy Osgood, son of John and Mary, Aug. 10.

Steven Barker, son of Richard and Joanna, July 6.

William Chandler, son of Thomas and Hanna, May 28.

Court adjourned to the next fourth day of the week, at noon, at Salem.

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Samuell Parker, son of Joseph and Mary, Oct. 14.  
Amy Graves, daughter of Mark and Elizabeth, June 20.  
Sara Young, daughter of William and Sara, born in June, 1650.

Marriages in Andover :—

William Chandler and Mary Deane, Aug. 24, 1658, by Mr. Simons.  
Robert Russell and Mary Marshall, July 6, 1659, by Mr. Bradstreet.

Deaths in Andover, 1659 :—

Thomas Chandler, son of Thomas and Hannah, June 6.

Births in Rowley, 1659 :—

Hannah Brockbank, daughter of Samuell, Mar. 28.  
Phillip Nellson, son of Mr. Philip, Apr. 16.  
Rebekah Elsworth, daughter of Jeremiah, Mar. 2.  
William Hobson, son of William, May 24.  
Mary Tod, daughter of John, June 10.  
Thomas Remington, son of Thomas, July 15.  
Margreet Hidden, daughter of Andrew, July 28.  
George Philips, son of Mr. Samuel, Nov. 23.  
Mary Elithorp, daughter of Nathaniel, Jan. 4.  
Elizabeth Johnson, daughter of John, Jan. 16.  
Isaack Kilborne, son of George, Jan. 26.  
John Law, son of William, Mar. 1.  
Ann Pickerd, daughter of John, Feb. 15.

Marriages in Rowley, 1659 :—

Thomas Burkbee and Sarah Kellee, Apr. 15.  
John Mighell and Sarah Batts, July 6.  
Thomas Nellson and Ann Lambert, Dec. 10.  
Mr. Anthony Crossbee and Prudence Ward, Dec. 28.

Burials in Rowley, 1659 :—

Thomas Dickinson, son of Thomas, Mar. 30.  
Jaine Lambert, June 7.  
William Hobson, July 17.  
Thomas Abbot, Sept. 7.  
Mary Plats, Nov. 11.  
Mary Dreser, daughter of John, Nov. 27.  
Elizabeth Stickney, daughter of William, Dec. 4.  
Jonathan Dreser, son of John, Dec. 10.

Marriages in Newbury, 1659 :—

Caleb Moody and Sarah Peirce, Aug. 24.  
William Bolton and Mary Denison, Nov. 22.  
Benjamin Roafe and Aphia Hale, Nov. 3.  
John Browne and Mary Woodman, Feb. 20.  
William Bingly and Elizabeth Preston, Feb. 27.  
John Bartlet and Sara Knight, Mar. 6, 1659-60.

## COURT HELD AT SALEM, 29: 9: 1659.

Judges: The Worshipfull Mr. Samuell Symonds and Danyell Denyson, Maj.-Gen., and Maj. Will. Hathorne, Assistant.

Grand jury: Mr. Walter Price, Ensigne Dixy, Nathanyell Putnam, Frances Skerry, Thomas Spooner, Thomas Antrum, Richard Bishop, Thomas Millet, sr., Mr. Moses Maverick, William Bennett, Mr. Charles Gott, Robert Mansfeild, Jarrett Spencer and Richard Johnson.

Jury of trials: Henry Skerry, Joseph Boyce, Humphry Woodbery, Samll. Corning, John Putnam, William Flint, Clement Coldum, Richard Coye, Edward Baker, John Mansfeild, William Longly and John Burrell.

Civil cases :—

William Browne of Gloster v. Richard Waite. For not taking sufficient security for Thomas Butts' appearance.\*

## Deaths in Newbury, 1659 :—

William Titcomb, June 2.  
 Mary Sawyer, daughter of Will., June 24.  
 John Tharley, July 4.  
 Mary Tharley, daughter of Francis, Aug. 26.  
 Jane Bolton, wife of William, Sept. 6.  
 Sara Pike, daughter of John, Nov. 19.  
 Mr. Cutting, Nov. 20.  
 Jonathan Bartlett, son of Christopher, Dec. 7.  
 Timothy Morse, Dec. 10.  
 Elizabeth Woodman, daughter of Edward, Dec. 27.  
 Edward Woodman, son of Edward, Dec. 29.  
 Hanna Sawyer, daughter of Willm., Jan. 20.  
 Francis Sawyer, son of Willm., Feb. 7.

## Births in Newbury, 1659 :—

John Wallington, son of Nicholas, Apr. 7.  
 Abigall Noyes, daughter of Nicholas, Apr. 11.  
 James Coffin, son of Tristram, Apr. 22.  
 Ruth Blomfeild, daughter of Tho., July 4.  
 Sara Webster, daughter of John, July 31.  
 William Titcomb, son of William, Aug. 14.  
 William Savory, son of Robert, Sept. 15.  
 Nathan Wheeler, son of David, Dec. 27.  
 Mary Roafe, daughter of John, Jan. 20.  
 Sarah Short, daughter of Henry, Jan. 29.  
 Richard Jackman, son of James, Feb. 15.

Anthony Somerby, † Town clerk.

\*Writ, signed by Jonath. Negus, † for the court, and served by

†Autograph.

William Nick v. Edmond Nicholson. For molestation. Withdrawn.

John Blany v. Joseph Rock. For withholding pay for two hogs-heads of tobacco sold him to the value of eleven pounds. Verdict for plaintiff. Court dissented.\*

Moninah and Mungaly, negroes v. Mr. Samll. Bennett. Their mare with foal was drowned in a pit dug by defendant and left uncovered. Withdrawn.†

attachment of house, 10 : 9 : 1659, by Simon Lynde,‡ constable of Boston.

Petition of Rich. Wayte,‡ marshal, to court at Salem, asking a continuance of the case as he had been called to wait on Major Atherton, who was by the General Court sent to Hampton on the country's occasion.

Writ: William Browne v. Thomas Butts; money due; dated, 4 : 9 : 1658; signed by Jonathan Negus, for the court; and served by Rich. Wayte, marshal. George Dobson, surety for Butts. Copy.

\*Writ, dated, 22, 9 : 1659, signed by Jonathan Negus,‡ for the court and served by Rich. Wayte,‡ marshal. Bond of Joseph Rock,‡ dated, 23 : 9 : 1659.

“Jon. Blanye's bill of cost, 1li. 9s. 10d.

1650 M<sup>r</sup> Joseph Rock D<sup>r</sup>

N <sup>o</sup> 1.	To a hhd. of tobacco wayeing neat 300 <sup>lb</sup> att	lb.
	4 <sup>d</sup> y <sup>e</sup> pond is	5 : 0 : 0
N <sup>o</sup> 2.	To a hhd. of tobacco wayeing neat 290 <sup>lb</sup> att	
	4 <sup>d</sup> y <sup>e</sup> pnd is	4 : 16 : 8
	sum is	09 : 16 : 8

“errours excepted”

Jon. Hathorne, aged about thirty-eight years, deposed that he heard Blaney demand his pay of Rocke, and Rocke answered “its true I had tow hodghedds of tabocko of you but I have payed you for it I doe not owe you this and gave a snapp with his finger, many other words past between boath partye which I spare here to rehearse,” etc. Sworn by Hathorne and also John Tuttle, 29 : 9 : 1659, before Hillyard Veren,‡ cleric.

Joseph Rock testified that he had in the last nine years sold Blanch goods on his own account, and that he never demanded anything of deponent until within a fortnight.

‡Writ: Moninah and Mungaly, formerly “neager” servants of Captain Bridges v. Samuell Benitt; dated, 21 : 9 : 1659; signed by Will. Longley,‡ for the court; and served by Theophylus Baley,‡ constable of Lynn, by attachment of marsh.

‡Autograph.

Maj. William Hathorne, attorney to Mr. Bex & Co. v. Benjamin Gillam. Debt. For forty-five pounds for the purchase of land.\*

John Fuller v. Serg. Richard Jacob. Trespass. For damage in plaintiff's corn. †

\*Writ, dated, 22: 9: 1659, signed by Hillyard Veren, † for the court and served by Rich. Wayte, † marshal.

Ben. Gillam's † bond.

†Writ, dated, 24: 9: 1659, signed by Robert Lord, † for the court, and served by Edward Browne, † marshal.

Copy of General Court's order to towns, concerning fences, taken out of town book of Ipswich, by Robert Lord. †

John Andrews, † John (his mark) Chote and Samuel Ingels, † chosen to appraise damage done by cattle, reported no less than twenty bushels of corn, Nov. 27, 1659. Sworn before Daniel Denison. †

Robert Kinsman † and John Low, † chosen by Richard Jacob to view the fence, testified that Fuller's fence was insufficient, having "only bows without any stakes and the bows very Rotten, in on place there was an old Tree and a Raile only Laid upon that," etc. Sworn before Hillyard Veren, † cleric.

Thomas Bishop and Thomas Low deposed same, Nov. 25, 1659. Sworn in court, 29: 9: 1659.

Thomas Bishop deposed that John Fuller told him that the fence was insufficient, and that it was not his, but Goodman Andrews. Sworn in court, 29: 9: 1659.

John Fuller's bill of costs, 2li. 8s. 4d.

John Andrews, aged about forty-five years, deposed that John Fuller sent one son to the pound with cattle and another son to Sergeant Jacobs to give him notice that his cattle had gone to the pound, etc. Sworn before Daniel Denison. †

Daniel Hovey, aged about seventeen or eighteen years, deposed that, plowing for John Fuller three or four days in planting time, he had occasion to notice the fence and that it was secure, etc. Sworn before Daniel Denison. †

John Chote deposed. Sworn in court.

John Dilly deposed that he turned out two oxen and two young cattle from John Fuller's field of corn joining Corp. Andrews' farm, and driving them out, they went through a place in the fence where there was a log in the bottom and a bow turned inward. There was a beaten path there. Sworn, Nov. 28, 1659, before Samuel Symonds. †

Nathaniel Emerson, † aged twenty-eight years, deposed about the fence. Sworn, 9: 27: 1659, before D. Denison. †

James Younglove, aged twenty-seven years, herdsman, deposed

†Autograph.



Frances Vasselton v. John Godfery. Debt of five pounds for five months' service. Nonsuited.\*

John Godfry's bill of costs, 14s. 4d.

Joseph Armitage v. John Buckman. For six pounds which he promised to pay plaintiff in behalf of William Buttler.†

that when he kept the herd on the south side of the river, etc. Sworn before Daniel Denison.‡

John Andrews, aged about thirty-one years, deposed that he was desired by John Fuller to view and appraise the damages, etc. That the fence was as good a five-rail fence as he ever saw; that there were 40 or 50 bushels of corn destroyed and as many turnips. Sworn in court at Salem, 28 : 9 : 1659.

James Fuller, aged between fourteen and fifteen years, deposed that being sent by his father to Sergeant Jacobs to call him to appraise the damages, etc., that he was not at home, and so he left word for him to come in the morning; this was about four or five days after the cattle were in the corn, etc. Sworn, 9 : 27 : 1659, before D. Denison.‡

John Choate deposed, Nov. 28, 1659, that going one morning before the sun to look to his cows, hearing a bell in John Fuller's corn, he went into the corn and found twenty-two head of cattle and went to drive them out. Some of them leaped over as sufficient a fence as deponent ever saw. The foremost pushed down the fence, and the rest followed; he took them to be Serg. Jacobs' cattle, etc. Sworn before Daniel Denison.‡

Samuell Ingalls deposed about seeing the cattle in the corn, and Serg. Jacobs owned fifteen of them were his father's. Sworn, 9 : 27 : 1659, before D. Denison.‡

\*Writ: Francis Uselton v. John Godfrye; for five months' service; dated, Oct. 3, 1659; signed by R. Lord, † for the court; and served by Edward Browne, ‡ marshal, by attachment of a piece of kersey, a rug and some cotton cloth.

†Writ: Joseph Armitage v. John Buckman; debt; dated, 24 : 9 : 1659; signed by Jonath. Negus, † for the court; and served by Henry Rhodes, ‡ constable of Lynn, by attachment of a boat of six or seven tons.

Joseph Armitage's bill of costs, 11i. 10s. 4d.

Jno. Blany, aged twenty-nine years, deposed that about Michaelmas time he heard Joseph Armitage demand of John Buckman five pounds which Wm. Buttler owed him; he said he would pay it, although he took his wife bare, without anything.§ Sworn in court.

Richard More testified to same. Sworn in court.

William Edmunds, aged about forty-two years, deposed that he went with Butler to Armitage's. Butler was in Armitage's debt,

‡Autograph.

§ i. e. a "smock marriage." See *Essex Antiquarian*, Vol. I, p. 57.

Captayne Thomas Lathrop v. John Norman. For not finishing a house according to agreement.\*

Thomas Joanes v. Frances Usselton. Debt. Two cases.†

Roger Preston v. William Cogswell. For not paying for fence which plaintiff placed upon his ground, according to agreement.‡

and Butler set his hand to Armitage's book. Deponent witnessed it. Sworn, 27: 1: 1652, before Robert Bridges. Copy.

Joseph Armitage v. Increase Nowell, executor to Wm. Butler; debt for not finishing the frame of a house; also a book debt. Copy of Ipswich court records, 18: 9: 1659.

\*Writ, dated, Nov. 2, 1659, signed by Hillyard Veren,§ for the court, and served by Samuel Archard,§ marshal.

Edward Woollen, aged thirty-four years, and John Becket, aged thirty-two years, deposed that being at Lt. Lowthrop's house about last March, 1658, they heard John Norman say if Lawthrop would pay a debt about which they were discoursing, he would finish the house that was appointed for Mr. Jeremiah Hubbard to live in, by the latter end of April or the midst of May, and called them to witness the agreement. Acknowledged in court.

On 29: 9: 1659, Thomas (his mark) Chubb, Zacariah (his mark) Herrick and William Seargant,§ appointed to view the work done on the house built by Norman for the use of the ministry on Capeanside, declared that the work yet to be done was worth fifty shillings, besides the dividing of the rooms.

John Norman stated to the court that first, he was hindered in regard to the removal of the house; and second, for want of nails; and, third, the boards and joists were unlawfully taken away.

Agreement between John Norman§ of Manchester on one part and Tho. Lothrop§ and James Patch on the other part, Mar. 23, 1656-7. John Norman was to build them a house thirty-eight feet long, seventeen feet wide and eleven feet stud, with three chimneys, two below and one in the chamber; to find boards and clapboards for finishing, with a shingle covering; a porch eight feet square, "Jetted over" one foot each way; to lay the floors, both below and above, and one garret chamber; to make doors and windows, four below and four above, and one in the study; to make the stairs, draw the clapboards and short their edges, smooth the boards of one of the chamber floors, and to bring up the frame to the "barre" or the ferry at his own charge; for which he was to have forty-five pounds, one-half in corn and cattle at or before the house was raised and the remainder at the next wheat harvest.

†Writs: Thomas Joanes v. Francis Usselton; dated, Nov. 18, 1659; signed by Robert Lord,§ for the court; and served by Edward Brown,§ marshal, by attachment of house and land.

‡John Proctter, sr., and John Choot, chosen by Rodger Presson

§Autograph.

Frances Usselton v. John Tod. Debt to be paid to Mr. Batter. Withdrawn.\*

to appraise a parcel of four-rail fencing, Nov. 22, 1659, adjudged its value to be 14d. per rod.

John Knoulton and Thomas Varny chosen to measure a parcel of fence which Rogger Presson set up for Will. Cogswell, it being four score and sixteen rods; there were also sixteen four-hole posts. Dated, Nov. 25, 1659.

James Collman, servant to Mr. Cogswell, deposed; Goodman Andrews mentioned. Sworn, 26: 9: 1659, before Samuel Symonds.†

John Andrews, aged about forty years, deposed that he went with Presson, when the latter asked Willm. Cogswell to release him of his bargain to hire Cogswell's farm. The latter refused to allow Presson anything for repair of the housing but agreed to pay him for the fence he had set up, etc., and to release him at Michaelmas. Sworn, 27: 9: 1659, before D. Denison.†

John Chote deposed that when he heard that Roger Preston had given up the farm, he asked William Cogswell if the latter would let it to him, and Cogswell replied that Preston was to stay in the house to feed out his fodder, but he would let it to deponent as soon as any other man, etc. Sworn in court, before Hillyard Veren,† cleric.

William Whitred deposed that William Cogswell spoke to him about appraising some fence, etc. Sworn in court, 29: 9: 1659.

Plaintiff's bill of costs, 1li. 15s. 4d.

Thomas Varney, aged between twenty and twenty-one years, deposed, 26: 9: 1659, before Samuel Symonds.†

John Knoulton deposed about agreement relating to the fence, etc. Sworn, 28: 9: 1659, before Samuel Symonds.†

\*Writ, dated, 22: 9: 1659, signed by John Redington,† for the court, and served by Will —, constable of Rowley.

Writ: Capt. Thomas Allen v. Walter Taylor; debt, for withholding money due for freight of passengers; dated, 18: 9: 1659; signed by Hillyard Veren,† for the court; and served by Samuel Archard,† marshal.

Writ: Captain Thomas Allen v. Walter Taylor; for defamation in reporting that Allen was not able to carry his ship to sea; dated, 18: 9: 1659; signed by Hillyard Veren,† for the court; and served by Samuel Archard,† marshal.

Writ: Walter Taylor v. Captain Allen, master of ship Thriver; for detaining goods of the plaintiff, bedding, tools, etc.; dated, 9: 9: 1659; signed by Hillyard Veren,† for the court; and served by Samuel Archard, jr.,† deputy marshal; John Croad, surety for defendant's appearance.

†Autograph.

Cristopher Lattamore v. William Carter, Clement Hardy and William Lambert. For not coming to fish at his stage, according to agreement, plaintiff having provided for it.

Corporall Andrus acknowledged judgment in favor of Mr. William Browne before Major-General Denyson and Major Hathorne.\*

Thomas Looke acknowledged judgment in favor of Mr. John Gedney, before Major-General Denyson and Maj. Will. Hathorne.†

Writ: William Nick v. Emanuell Clark; for molestation in closing his ground; dated, Nov. 16, 1659; signed by Francis Johnson,‡ for the court; and served by Tho. Pittman,‡ constable of Marblehead, by attachment of house and ground.

Writ: Capt. Thomas Allen v. Walter Taylor; for unjust molestation; dated, 18: 9: 1659; signed by Hillyard Veren,‡ for the court; and served by Samuel Archard,‡ marshal of Salem.

Writ: William Nick v. Edmund Nicolson; for molestation, in the closing of his land; dated, 16: 9: 1659; signed by Francis Johnson,‡ for the court; and served by Thomas Pittman,‡ constable of Marblehead.

Writ: Walter Tayler v. Captayne Tho. Allen; slander, calling plaintiff and plaintiff's wife vile names, etc.; dated, 21: 9: 1659; signed by Hillyard Veren,‡ for the court; and served by Samuel Archard, jr.,‡ deputy marshal of Salem.

Writ: William Carter v. Nicolas Caly, fisherman; for refusing to perform a fishing voyage, according to agreement; dated, 13: 9: 1659; signed by Hillyard Veren,‡ for the court; and served by Samuel Archard,‡ marshal of Salem. William Browne of Salem, surety.

Writ: Walter Tayler v. Mr. Allen, master of ship Thriver; for battery, abusing and cruelly beating him; dated, 9: 9: 1659; signed by Hillard Veren,‡ for the court; and served by Samuel Archard, jr.,‡ deputy marshal of Salem. John Croad, surety.

\*Writ: Mr. William Brown of Salem v. John Andrews; debt due to plaintiff and Georg Corwin; dated, 15: 9: 1659; signed by Hillyard Veren,‡ for the court; and served by Edward Browne,‡ marshal of Ipswich, by attachment of house and land.

†Writ: John West v. Corp. John Andrews; debt; forfeiture of bond, not appearing before Major-General Denison; dated, Nov. 19, 1659; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal.

Writ: Thomas Bishop v. John Chote; debt; dated, 23: 9: 1659; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal, by attachment of wheat and Indian corn.

Writ: Mr. Edmund Batters v. Gabrill Collens; debt; dated, Oct. 17, 1659; signed by Hillyard Veren,‡ for the court; not returned. Addressed to constable of Marblehead.

‡Autograph.

John Norman v. Henry Bayly and Thomas Tuck. Trespass. For taking away and detaining "boards, Gice & Sleepers." Withdrawn.\*

Henry Harrod v. Mr. Walter Price. Debt. For withholding pay for 10 1-2 quintals of fish which he received of William Nick Withdrawn.†

Writ: Mr. John Gedney v. Humphry Griffin; debt; dated, 21 : 9 : 1659; signed by Hillyard Veren,‡ for the court; and served by Edward Browne,‡ marshal.

\*Writ: John Norman v. Henry Bayly and Thomas Tucke; for taking away and detaining boards; dated, 19 : 9 : 1659; signed by Hillyard Veren,‡ for the court; and served by John Archard,‡ deputy marshal.

Writ: John Roads v. Richard Woodus; for taking away a parcel of fish; dated, 22 : 9 : 1659; signed by Jonath. Negus,‡ for the court; and served by Rich. Wayte,‡ constable of Suffolk.

†Writ, dated, 19 : 9 : 1659, signed by Hillyard Veren,‡ for the court, and served by Samuel Archard,‡ marshal of Salem.

Writ: William Story v. Shoreborne Willson and John Smith; debt; dated, Oct. 24, 1659; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal of Ipswich.

Writ: Thomas Bishop v. Samuell Ingalls; debt, by a bill assigned by Job Bishop to Thomas Bishop, etc.; dated, 23 : 9 : 1659; signed by Rob. Lord,‡ for the court; and served by Edward Browne,‡ marshal, who attached a bill due from Daniell Davisson.

Writ: John West v. Mordicha Larekum; for not delivering a heifer and cow; dated, 9 : 9 : 1659; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal.

Writ: John Gedney v. John Fuller of Ipswich; debt; dated, 21 : 9 : 1659; signed by Hillyard Veren,‡ for the court; and served by Edward Browne,‡ marshal.

Writ: Shoreborne Willson v. William Duglus; for not performing covenant of indenture in money, clothes and tools; dated, Oct. 1, 1659; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal, by attachment of estate of Wm. Duglus in the custody of Robert Dutch.

Writ: John West v. William White; debt; dated, Nov. 9, 1659; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal.

Writ: Symon Tuttle v. Mr. Joseph Jewett; for false imprisonment; dated, Oct. 13, 1659; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal.

Writ: Daniell Black v. Alexander Thompson; debt, for wheat and malt and a hat; dated, Nov. 4, 1659; signed by Robert Lord,‡ for the court; and served by Edward Browne,‡ marshal.

‡Autograph.

Mr. Roads, constable of Lynn, fined for not returning trial jury.

John Dodge sworn constable of Wenham.

Joseph Daliver sworn constable of Marblehead.

Edward Flint and his wife were fined for fornication together before marriage.

Robert Lord, attorney of William White of Ipswich, acknowledged judgment in favor of John West.

Thomas Marshall of Lynn licensed to sell strong water and other meet provisions to travelers.

John Chandler allowed witness fees in suit brought by Richard Sutton, and not entered.\*

Capt. Tho. Marshall, Mr. Oliver Purchas and James Axy sworn commissioners for Lynn.†

Arther Sandy's license renewed and he was also allowed to sell wine.

Mr. Thomas Gardner was appointed administrator of the estate of Joshua Connant, who died intestate in England. Amount of inventory of his estate in New England, 32*l.* 6*s.* †

Presentments, last of 9mo: 1659; signed by Walter Price, § in the name of the rest:—

Joan, wife of Robert Hibburd, for railing and speaking several lies upon Zackary Herek, affirming that he was drunk, and went away from John Ston's house drunk about one or two o'clock at night. She took God to witness that she did not speak them, etc. Wit: Hendry Hereck, jr., Liddia Grover and Marye Hereck. She was to make acknowledgment or pay fine and costs. She paid the fine.

Elizabeth, wife of Edmund Nicholson, for absenting herself from public meeting. Wit: Moyses Maverek and Thomas Pittman. Admonished.

Elisabeth, wife of John Leag, for saying that if the people followed Mr. Walton's preaching or ministry they would all go to hell. Wit: John Coddner, Elisabeth Coddner and Beniamyne Parmitter. To pay fine or make acknowledgment. Paid fine.

\*John Chandler's bill of costs; two men from Roxbury to Boston to testify against Richard Sotten.

†Returned by Theophilus Baley, § constable.

‡Inventory of Seethe, widow of Joshuah Connant, taken by John Browne § and Richard Prince: § One bed, one Bolster, a suit of Cur-tayns and valiants, one Rug and a Blankett and matt, 8*l.*; five p of shetts and a half shett, 5*l.*; Eleven napkins, 3 table Cloths, 1*l.* 7*s.*; fowr pilow bears, 1*l.* 4*s.*; twelve towels, 9*s.*; for pewter pans

§Autograph.

Mr. Thomas Gardner, administrator of estate of Joshua Connant, acknowledged judgment in favor of Mr. William Browne, merchant.

Mary Norton was appointed administratrix of the estate of her husband, George Norton, deceased. Amount of inventory of his estate, 136li. 11s. 6d. She had ten children.\*

License of William Edmonds renewed.

Fines brought in by Maj. William Hathorne, 21 : 9 : 1659 :—

Richard Rider for spurning Mathew Woodwell.

Mathew Woodwell for striking Richard Rider and for excessive drinking.†

and spon, 1li. 6s. ; one Cloake, 18s. ; one Trunk and on owld Chest, 10s. ; one spitt, one payr of Andyrns, 3s. ; to Sivs, two Trays, 3s. ; one payr of scals and to wayts, 2s. 6d. ; one trundl Bedsted and one blankett, 6s. ; for wooll, 4s. ; 5 stools, 9s. ; 9 Chayrs, 13s. ; 3 table, 1li. ; for divers howshowld implements, 8s. 6d. ; for bras and Iron, 1li. 10s. ; one chest, one box, 1li. ; one Carpett, two Coshens, 5s. ; one looking glas and two small boxes, 10s. ; mony and platt, 1li. 4s. ; for 6 shep, 5li. ; one kradle, 4s. ; one bedsted, 10s. ; total, 32li. 6s.

\*Estate of George Norton. Petition of Freegrace Norton‡ and John Norton, children of George, for division of the estate. Mother Mary Norton mentioned. Children : Freegrace, aged twenty-four years ; John, aged twenty-two ; Nathanyell, aged twenty ; George, aged eighteen ; Mary, aged sixteen ; Mehittabell, aged fourteen ; Sarah, aged twelve ; Hannah, aged ten ; Abigail, aged eight ; Elizabeth, aged five years.

Inventory of the estate of George Norton, taken 22 : 7 : 1659, by John Porter‡ and Jacob Barney :‡ His wearing apparel, 8li. ; a bead with bolsters, blankets & rug, 3li. ; 3 flock beads with other beading, 1li. 1s. ; 6 paire of sheats & 1 tabelcloth, 11 napkins, 3 paire of pillibers, 4li. 10s. ; Beadstead, 5s. ; 1 tronke, 2 Chists, 1li. 10s. ; 1 tabell-bord, 1 forme, 3 Chaiers, 6s. ; 3 Iron pots, 2 friinge pans, 1 dripinge pan, 1 spitt, 1li. 5s. ; 1 Bras kettell, 1 bras pan, skellet & warminge pan, 1li. 5s. ; in peutter, 8s. ; 4 musskets & a small peace, 2li. ; sawes, boarers, axes with other tooles, 2li. 18s. 6d. ; flaks, 1li. ; 6 akers of Indian Corne, 5li. ; in wheate, 5li. ; Barley, 16s. ; in haye, 6li. ; Aples, 1li. ; a mare & colt, 15li. ; a colt of a year old, 3li. ; in hogs & small pegs, 10li. 7s. ; 6 oxen, 33li. ; 4 Cowes, 14li. ; 2 heffers, 5li. ; 4 younge Cattell, 7li. ; 2 Calfes, 1li. 10s. ; total, 134li. 11s. 6d.

‡Richard Rider and Mathew Woodall fined for fighting and drinking.

‡Autograph.

A seaman, name unknown, was fined for being very drunk at Salisbury.

Thomas West fined for swearing, by the constable, Henry Skerry.

A servant of Frances Vsselton ran away. "Hewghen cries"\* were ordered to be given out for his recovery.

Mr. William Steevens presented for not making a bridge over the cut at Gloster. Continued. To have the bridge made in the meantime.†

Ruth Moore brought in the will of her husband, James Moore, deceased. No witnesses appeared, and she was appointed administratrix of the estate.

John Porter, William Dodge and Mr. Edmond Batter were appointed administrators of the estate of Samuell Porter, deceased, who left a writing‡ about his property, dated, 10: 12: 1658. Amount of the inventory§ of his estate, 331li. 19s.

John Bachelor discharged from training because of his bodily weakness, paying 8s. yearly to the company.

Mr. Moses Maverick had his license renewed to retail strong waters, as a shopkeeper does other goods.

John Kitchen was released from his bond for appearance.

†Wit: John Pearse, John Davis, William Vincen and Jeffery Persons. John Davis, constable of Gloucester.

‡"The Last Will and Testament of Sam Porter made 10: 12: 1658 being Bound to the Barbadus Imp<sup>r</sup> I give to my dearly beloved wife Hannah Porter the one halfe of my farme duringe her life Ite I giue to my son Jn<sup>o</sup> Porter the other halfe of my farme at wenham & after the death of my wife the other halfe to Returne unto him & one mare to my son & the Remaynd<sup>r</sup> (to my wife) of my estate more or lesse I desere my Father Porter & my father in law w<sup>m</sup> Dodge & Edmo. Batter to be my Ou<sup>r</sup>seers. Samuell Porter.]" Wit: Edmo. Batter|| and Sara Batter.|| Proved in Salem court, 28: 4: 1660; attested by Hilliard Veren,|| cleric.

§Inventory of estate of Samll. Porter, deceased, taken, 22: 4: 1660, by Roger Conant|| and John Rayment:| One house and land at Wenham & other land that was bought of Jno. Denham, 250li.; 2 oxen, 10li., 1 Cowe, 4li., 14li.; 15 yewes & lambs at 6s. 8d., 5li.; mare & Colt, 16li.; a cloath suet, 1li. 15s.; another suet of cloath, 30s., 3li. 5s.; 2 other suet of cloathes, 1li. 14s.; other wearinge aparell, 6li. 17s. 7d.; 2 psalme bookes, 18d., 1 silvr dram Cup, 4s., 5s. 6d.; 2 Chests & 2 boxes, 18s. 6d.; suger & Cotton his pt. at Boston, 30li.; due to him from William Nicoles, 1li.; total, 331li. 19s.

\*"Hue and cry".

||Autograph.



Mr. Gedney's license renewed.

Joseph Armitage, attorney of Jon. Chaxfeild v. John Bex & Co.'s estate. Debt. Mr. Leader's bill in evidence. Judgment for defendant.\*

Wife of George Gardner, wife of Samll. Shattock, Edward Wharton, wife of John Kitchin, wife of Robert Buffum, wife of Henry Trask, wife of Anthony Needham, wife of John Suthwick, wife of John Smith, Danyell and Puided Sothwick, John Small, William King and James Smith were presented for absence from meeting. On motion of Mr. John Higgesson, Mr. Browne, etc., sentence was respitted. Samll. Salmon was also presented for absence from meeting.

Servants of the house to have five shillings.

Samll. Gaskooyne fined at Ipswich; ordered that one-half be respitted.

\*Writ: Joseph Armitage, attorney to John Chacksfeild v. John Bex & Co.; debt of 52li.; dated, 18: 9: 1658; signed by Jonathan Negus, † for the court; and served by Rich. Wayte, † marshal of Suffolk, by attachment of goods in the hands of William Paine of Boston. John Reedman, marshal's deputy, to finish case.

Richard Leader testified that 52li. had been charged on John Chaxfell's account, as paid to himself and wife in London; if it were found that there had not been so much paid, Chaxfell was to be allowed the difference; dated, Dec. 21, 1649. Wit: Richard Cutts † and Wm. Osborne; † attested by Wm. Aspinwall, † notary public. Mr. Giffards, 6: 6: 1654, affirmed that Chatssell owed forty or forty-two pounds when he went away to Barbadoes.

John (his mark) Chaxson of Lin made Joseph Armitage of Lin his attorney, Dec. 24, 1650. Wit: William Aspinwall † and Edward Abbut. †

Jon. Ballard, † aged twenty-five years, deposed that six months ago he saw John Chaxfeild living in Barbadoes; dated, Nov. 28, 1659.

Daniell King, † aged twenty-seven years, testified the same, Nov. 30, 1659.

Summons to Richard Stackhouse to appear to answer to his presentment for abusing the wife of Francis Skerry. Wit: Nehemiah Howard and Henry Skerry.

Summons to the wife of William Ellet to appear to answer to her presentment for abusing the wife of John Rayment. Wit: John Rayment and wife of Edward Bishop.

Summons to Sarah Clarke to appear to answer to her presentment for stealing. Wit: Tho. Putnam.

†Autograph.

Frances Simpson fined, 13 : 12 : 1659, by Major Hathorn, for being at a Quaker's meeting on the Lord's day and absence from public ordinance.

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Summons signed by Hillyard Veren, clerk,\* and Thomas Goith-write, John Rayment and Tho. Roots, constables.

Summons for jury of trials: Edmund Batter, Hendry Skery, Joseph Boyce, Humphrey Woodbury, Sam. Corning, John Buffum and William Flint.

Summons for grand jury: Walter Price, Liffenant Lawthrop, Nath. Puttnam, Francis Skery, Tho. Spooner, Tho. Anthrum and Richard Bishop.

Summons to William Crafts to appear to answer to his presentment for a pound breach. Wit: Danyell Salmon and Francis Burell.

Sarah Salmon, aged about eighteen years, deposed that she, being at the pound milking her father's cows, which had been pounded by Franssis Borill, heard Borell's man say to Goodman Croffts that he must have his cattle: This was in 7 mo: 1658. Sworn, 29: 9: 1659, before Thomas Marshall,\* constable.

Summons to Benjamin Chadwell and John Bread to answer to their presentments for smoking tobacco near a house and among combustible matter; also to witnesses, Francis Burrell and Tho. Ivory; signed by Hilyard Veren,\* clerk; and returned by Henry Rhodes, constable of Lynn. Benjamin Chadwell was not in town.

Summons for grand jury: from Lynn, Olliver Purchase, Robert Mansfeld, Jerrett Spencer and Richard Johnson, returned by Henry Rhods,\* constable.

Summons for jury of trials: from Lynn, Edward Baker, John Mansfeld, John Person, William Longly and John Burrall, returned by Henry Rhods,\* constable.

James Smith summoned for absence from meeting. Wit: Thomas Pitman and William Charles. Thomas Pitman,\* constable of Marblehead.

Mr. Goot of Wenham, summoned as grandjuryman, and Richard Coye of Wenham, as trial juror. Returned by John Killim\* of Wenham, constable.

Thomas Millett, sr., summoned as grand juror and Clement Colldames, as trial juror of Gloster. Returned by John Davis,\* constable of Gloucester.

Sara Clarke summoned, Oct. 28, 1659, for stealing a silk scarf from the house of John Putnam jr.; signed by Hillyard Veren,\* clerk. Fransis Heseelltun,\* constable of Topsfield. Daniel Clerke [deputy?].

Town of Gloster summoned for defect in their stocks.

\*Autograph.

## COURT HELD AT IPSWICH, Mar. 27, 1660.

Judges: Mr. Symon Brodstreet, Mr. Samuell Symonds and Major Genll. Denison.

Jury of trials: Mr. John Appleton, Sergt. Tho. French, Sergt. Jer. Belcher, John Prockter, Will. Coggsell, John Emery, John Bartlett, Willm. Mose, Willm. Jackson, John Dressour, Jonath. Platts and Robert Andrews.

Willm. Elsley sworn constable for Nubury, and Robert Day for Ipswich.

Robert Addams of Newbury was made free.

Robert Lord, jr., was appointed marshal.

Civil cases:—

John Ayres, assignee of the executrix of Marke Symonds v. John Pickard. Debt. Withdrawn.

William Edmonds v. Henry Greene. For expenses about the cure of a child of his. Withdrawn. Plaintiff acknowledged several times that there was no bargain made with defendant.

Robert Knight v. John Siblye and Robert Leach. Trespass. For carrying away several loads of hay from his ground without his knowledge or consent. Withdrawn.

Nath. Putnam v. Nicolas Pinion and his son, Robert. For slander.

Nath. Putnam v. John Simson. Slander. Verdict for plaintiff. Simson ordered to make acknowledgment at Salem and Lynn on lecture day or pay fine.

Mr. William Perkins v. William Evans, in behalf of the town of Topsfield. For maintenance due him for his labors in the ministry. Nonsuited.

John Hathorne v. Edward Colcord. Debt. Withdrawn.

Samuell Hunt and Joseph Reding v. Henry Walker. Debt. For sixteen bushels of wheat, barley and malt. Samuell Hunt testified that he summoned Henry Walker. Defaulted.

Richard Shatswell v. Edward Allen. For abusing him, saying he was a rogue and rascal and would steal his colts as he did Roper's hay; also for taking away and detaining two colts. [Withdrawn.—*Waste Book.*]

Summons to the wife of William Vincen to answer her presentment for disturbance in meeting.

Petition of Elenor Robinson against Thomas James, for damages, 30 : 9 : 1659.

County charges, amounting to 6li. 10s., allowed to Theophilus Willson.

Humphry Griffen released of his bond for good behavior.

William Cogswell, John French, Jacob Perkins and John Brewer, all of Ipswich, made free.

Mr. Symon Broadstreet v. John Wiles. For detaining a cow, and rent for several years. Plaintiff settled for fifty shillings.

Elias Stileman of Salem had his license to keep an ordinary and sell strong waters renewed; also to sell wine, if approved by the selectmen of Salem.

Robert Pinion, for slander in a criminal way, ordered to be whipped and to pay 40s. to Nath. Putman, whom he slandered. Nicolas Pinyon and Thomas Pinyon acknowledged judgment. Execution respitted.

John West released from training for one year.

John Stevens, upon his presentment, fined, and to pay fees of court and for filing fifteen papers.\*

Isaiah Wood, for stealing Indian corn, ordered to pay six bushels to John Leigh; bound to good behavior.

Major Genll. returned a fine of 20s. set by him upon Edward Bragg.

\*Andrew Foster, sr., deposed that in regard to the weakness that befell John Stevens at Ipswich, he was an eye witness, and went all the way to Andever with him. Deponent stayed with him the night before and during the evening, entreated him to eat something, telling him that he would be sick if he did not. The next morning Foster was upon the bed very sick and deponent advised him to eat something warm, which he did, about half a pint, and felt better, so that he went to Andever. Sworn, 23 : 1 : 1659, before Simon Bradstreet.†

Jeremiah Belcher deposed that Goodman Stevens of Andiver was at Ipswich the last year, and deponent, happening to meet him early one morning at Goodman Rouel's house, asked him to have a dram of liquor with him, which said Stevens accepted, going to deponent's house. The latter gave him a dram or two, and presently Mr. Norton came in and gave him another, drinking to Goodman Stevens, who said "Sir I thank you but I ame not wellen to drinke Anie more for said he I do not use to drinke liquers & I feare being I ame fasting & haue ben up almost all night that it may do me harme." Presently they went away, as well as deponent was at the time of the testimony. Sworn, 28 : 1 : 1660, in Ipswich court, before Robert Lord,† cleric.

†Autograph.

John Pindar, for cutting two mares, bound for appearance at next Ipswich court.

William Law of Rowley and Moses Pengry had their licenses renewed to keep an ordinary and sell wine and strong waters.

Addition to William Addams' inventory brought in; debts due the estate, 48li.; and due from the estate, 15li.

[There being a complaint made against Joseph Medcalfe, as appeared by a testimony upon oath of Left. Samuell Appleton, William Addams and Robert Day, which the court judged they were not in a capacity to issue, on account of the law of near relations, the court left it to Mr. Samuell Symonds, who ordered said Medcalfe to appear at the next General Court.\*—*Waste Book.*]

Philip, an Irishman, servant to Mr. Samuell Symonds, sentenced to the house of correction for stubbornness and other offences. Upon

Will of Edward Browne of Ipswich, dated, Feb. 9, 1659, was proved by Robert Lord and Thomas Lord. He desired to be buried in the burying place of Ipswich, and "whereas ¶ there was ¶ a gift giuen vnto my sonn Thomas by his Aunt wattson in ould England he being dead I accompt my sonn Joseph Browne to be his heire and therefore that gift being thirteene pound to belong vnto him at the age of twenty one yeares and it being in my hands my will is that my sayd sonn Joseph shall haue my eight acres of Land within the common field w<sup>h</sup> I bought of my Brother Bartholmew as alsoe that psell of meddow at the west meddows lyeing beyond the brooke on the west syde of the sayd brooke In leiw of the sayd gift before mentioned And the rest of my estate I leaue vnto my beloued wife Faith Browne for the tearme of her naturall life and then to be disposed of vnto my children And my will is that after my sayd wiffes decease my sonn Joseph shall haue and Inioy my dwelling house & aptenances & p<sup>r</sup>ueledges belonging there vnto ¶ together with all the rest of my land & meddow ¶ pvided he yeald vp the formar Land and meddow which my will is my Sonn John Browne shall haue possos and Inioy And if my Sonn Joseph dye without heires ¶ then my Son John Browne to haue & Inioy it and if he the sayd John shall dye without heires ¶ then to be vnto my daughters or the surviveing of them And my will is that my sayd wife at her decease shall dispose of my estate among my children And in case my wife shall chang her estat that then she shall giue security that my estat may be desposed off among my children after her decease as aforesayd And doe make my sayd wife sole exesutrix of this my last will and testament." Edward Browne.\* Wit: Robert Lord † and Thomas Lord. †

\*This paragraph is crossed out in the original.

†Autograph and seal.

‡Autograph.

request of his master, respitted until he again has cause to complain of him.

Ordered, upon request of people of Rowley and others, that a highway be laid out from Rowley to Newbury by the bridge at Richard Thurell's farm "w<sup>ch</sup> hath beene used not only by the farmers of Newbury liueing therabouts who complayne of the defect thereof but by many others espeshally when ferryes are unpassable." The court conceived the highway to be very commodious for travellers, especially for drovers of cattle, and the towns were to lay out the road at the least expense to town or county.

The rights of Joseph Medcalfe, Richard Swan and William Acye, to serve on any jury in the county were withdrawn, on complaint of several of the jury of last Ipswich court that a writing, attested by them, had been given in to the last Court of Assistants, reflecting much dishonor upon the said jurors and causing much trouble from their want of attendance, neglect of duty and oaths of jurymen.

"Wheras it is testified by three witnesses that I Joseph Medcalfe sayd I would deale roundly with m<sup>r</sup> Brodstreet if I had opptunity for some questions asked y<sup>e</sup> last court, and that I sayd if such coruptions crept or gott into our court allredy in Newengland we are in a sade case, though I do not remember that I see sayd yet I doe confesse and acknowledge these words to be causles & scandalous, and if I did speake them haue cause to be ashamed & craue pardon."

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Inventory of estate of Edward Browne of Ipswich, taken Feb. 20, 1659, by Moses Pengry† and Robert Lord :† Dwelling house and aptananses, 50li.; six acres of Land most of it in tilt, 18li.; nyne acres of salt marsh, 16li.; 2 psells of meddow at the west meddows, 14li.; 8 acres of Land, about 6 of it in tilt, 20li.; one fether bed, 2 boulsters, 2 downe pillows, blankett & Rug, 6li.; one bedsted cord, curtaynes, valiants & strabed 1li. 10s.; eight chaires, 14s.; little boxes, 4s.; a paire of fine sheets, old, 1li.; foure paire of sheets & one od one, 3li.; one paire of pillow beers, 10s.; foure paire of pillow beeres, 2 of ym small, 8s.; 2 table cloths, eleven napkins, 13s.; one course table cloth & 14 course napkins and Towells with some other small lennen, 14s.; His weareing apparel, 7li. 10s.; a muskett, bandeleur, sword & belt & pike, 1li. 10s.; three little tables, 3 chaires & 4 cushens, 15s.; 2 chests and a trunke, 13s. 4d.; 10li. cotten woole, 4li.; sheep woole, 16s.; in cotten yarne, 7li. 14s.; In lennen yarne, 1li.; earthen ware, 7s. 6d.;

†Autograph.

## COURT HELD AT IPSWICH, MAY 10, 1660, BY ADJOURNMENT.

John Leigh, having been bound to this court by Major Genll. Denison, upon complaint of John Fuller that said Leigh was suspected of wounding an ox and killing a pig belonging to said Fuller, was found not guilty by a jury especially empannelled, but "great suspicion." Court ordered that he be bound for appearance at the next court for further examination.\*

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one warmeing pan, 10s.; one kettell, 3 skilletts, one brase mortar, skimer and a little brase ladell and lampe, 1li. 10s.; 2 Iron potts, one iron kettell and mortar, 1li.; a frying pan, tramell, potthookes and grediron, 11s.; spitt, firepan, tongs, fireforke, hookes, 8s.; In pewter, latin ware & 2 box Irons, 1li. 10s.; ould pewter, 2s.; a small fether bed, boulster, pillow & other beding, 3li. 10s.; a flock bed, boulster & other beding, 2li. 10s.; ginger & hops, 10s.; 15 bushells & half of wheat, 3li. 18s. 6d.; mault, 6s.; Indian corne, 2li. 8s.; 3 wheelles, finished lennen, 13s. 6d.; wheelles woolen & linnen not finisht, 1li. 16s.; work done toward chaires, 3s. & 15 —ills 6s. 9d.; shope tooles, 3li. 6s.; old caske, 13s.; nayles & other small things, 10s.; two oow bells & eares for —, 3s.; one barrrell, firkin & powdering tubs, 12s.; a paire of scales, 3s.; beere vessells, keelers & other lumber, 14s.; 6 trayes, dishes, trenchers & payles, 13s.; a woolen & linnen wheele & cards, 13s.; kneading trough & fine sives, 8s.; a cartrop & bedline & hand baskett, 12s.; beefe, pourke & suett & tallow, 2li.; halfe a firkin of sope, 10s.; In bookes, 1li.; old baggs, 3s.; one bullock, 6li. 10s.; 2 Cowes, 8li.; 3 cattell about 3 yr. old, 8li., 16li.; 1 bull, 2 yr. old & 1 yr. old, 3li. 10s.; six ewes & a ram, 3li. 15s.; five swine, 2li. 10s.; cart plow & sled, yokes & caynes, 3li.; in hay and peace, 7li.; sythes, 12 axes & hows, beetell & weedges, forks, 1li. 10s.; owing to the estate, 1li. 13s.; total, 225li. 5s. 7d. Debts owing from the estate, 24li. 8s. 1d. Clear estate, 200li. 17s. 6d.

\*John Fuller, aged about thirty-nine years, deposed that Thomas Lee and himself, coming along the north side of Hart breake hill found a dead hog in the bushes in Mr. Clarck's lot, with his foot in the yoke and his head broken to a jelly; that a short time after, John Lee came to deponent's house complaining that he had damage done by Clarck's hogs. Deponent told him about the dead hog, and Lee replied that he killed him and would have some more of them before long. This happened when Mr. Clarcke lived in Ipswich at the now dwelling house of Simon Tomsson. Deponent also testified that he had worked for John Lee and received his pay in having his cattle pounded, although they never did Lee any harm. One Friday he heard that Lee said he would have deponent's cattle in pound Monday, whereupon at break of that day, his dog barking more than ordinary, he rose from his bed and went to the

John Bleven paid fine for absence from public ordinances and was discharged.

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door, and saw John Lee go over his rails into the pasture and drive his cattle away.

Goodman Pod deposed that he had seen John Lee's dog pull down a beast in the highway near Goodman Fuller's lot, and that deponent's cow came back from Lee's pasture with her ear pulled off; also he saw Lee hunting a cow of Goodman Browne's at another time. Sworn in court, before Robert Lord,\* clerk.

Thomas Low, sr., aged about fifty-five years, and Sarah Low, aged about twenty-three years, testified that last spring was a twelfth-month, since John Lee came to their house with a parcel of hogs and asked if they were theirs and they replied that they were not. Sarah Low testified that Mr. Samuell Rogers said the next morning that he missed a hog. Deponent further testified that he saw John Lee throw a stick at his sheep, when they were going from the pasture to the highway, and broke the leg of one of his lambs, and that deponent had lost fourteen head of cattle, sheep and swine by such means. Sworn in Ipswich court.

Daniel Hovey, sr., aged forty-two years, deposed that he was at work on his ground near where the hog was found dead, and heard the cry of a hog, but could not tell the cause on account of the hill between. Sworn in court.

John Choate, aged about thirty-two years, deposed that he was setting fence for John Lea by Hartbrake Hill side when some of John Fuller's cattle came along. Lea set his dog on them and deponent told him to call him off, but he refused. One of Lea's boys went to get the dog, who had pulled down a cow in a miry place, and Lea interfered, saying "Let him kill her if he will." Deponent called off the dog, and Lea was very angry, and the former went to John Fuller's house that night and found them dressing the cow.

John Fuller deposed concerning the injured cow going home, etc.

John Dane deposed that John Lee said that he might as well kill cattle that came on his ground as to have them eat up his grass; that he saw the bullock after it was injured and it had been cut with an edge tool, etc. Sworn in court.

Samuell Hunt deposed that upon some discourse that John Lee had when he took up deponent's colts as trespassing, instancing the mares of Goodman Kembal and Goodman Parker, "I tould him I could not help it tho mi colts did troble him; becaus the winter season was extrem & he added if I could not help It I must tacke wht coms; you know sath he thefes coms by mani back blows so in speacking of the steling of goodman parkers mare his wife

\*Autograph.



Judah Trumble and Ruth Trumble chose John Tod as guardian. Tod was bound in thirty pounds.

John Newman admonished on his presentment about "the howe" and ordered to pay charges to Thomas Willson. Also fined for two lies concerning the heifer he brought from Rowley.

Benjamin Scott and Nathaniell Tredwell were discharged of their presentments.

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replied that it was ill don John Lee made answer did she thinke it was ill don : of my consons saith he I thinke it was not shal a man have other mens cattell eate up his feede and he hath no way to help himself." Sworn in court.

Samuell Eyres deposed that he saw blood on the ground where the ox was injured, etc. Sworn in court.

Richard Nickalls, Abraham Fits and Thomas Burnham deposed concerning John Lee's abuse of other men's cattle, etc. Sworn in court.

Samuell Rogers testified that John Lee came to his house and asked him if deponent's hogs did not get into his ground. Rogers answered that they might, and that they were black spotted hogs, etc. Sworn in court.

John Browne deposed that he and Goodman Pod saw John Lee pull down cattle belonging to deponent, etc. Sworn in court.

Joseph Reddins testified that when his lot and John Lea's lay in common, the latter abused men's cattle and when reproached by deponent, replied that he would throw them into the river, etc. Later, Lee told deponent that he would not take his dog off John Fuller's cattle unless he mended the fence, etc. Sworn in court.

Daniell Hovey, jr., aged eighteen years, testified that he saw hogs in Lee's ground, etc. Sworn in court.

Simon Tomson, aged about fifty years, deposed that he saw John Lee kill a pig of his; also last year Lee was taking a beast of deponent's to the pound, and when they passed his yard, the beast ran in, and deponent tried to have him remain, but Lee came at deponent with a hoe and vowed he would knock him on the head, etc.

Robertt Crosse deposed that, since this court began, he and his son Steeven, going from evening meeting, had seen John Lee with his billhook under his arm, etc. Stephen Crose, aged thirteen years, affirmed the same, etc. Sworn in court.

John Clarke deposed that he was looking for their horses and seeing John Lee pounding horses, asked whose they were. "these saith he ar the Roges horses that reseue the sacremts these are the Roges that weare clocks an if the can get cloks the ar as good as the best w<sup>th</sup> mester Cobit an tho the be as bad as the divel." Sworn in court.

Daniel Bradley, presented for striking John Boynton, was fined. [Thomas Willson was released from training, paying 5s. a year to the use of the company.—*Waste Book.*]

John Leigh fined on his presentment for reviling speeches.

Richard Shattwell discharged of his presentment.

Henry Bachelour, convicted of absence from the public ordinances, was ordered to pay according to law. Also fined 5s. for contempt of court, in refusing to appear after being summoned.

“ Provided Suthwicke, upon pfe of her conteptuous & presumptuous cariage at Salem to the great disturbance of the peace. The court setts a fine on her of forty shillings and to abyd in prisson untill she haue payd it and the fine sett by Salem court or other course be taken to sell her for the payment y<sup>e</sup>of according to law & fees of court.”

The court gives to the house, 5s.

Court confirmed administration of the estate of John Clements, upon request of his brother Job and sisters, to his brother Robert Clements. The latter brought in an account of his charges for his voyage to England and Ireland in taking over his brother, John Clements' wife and children.\*

COURT HELD AT SALEM, JUNE 26, 1660.

Judges: The Worshipfull Mr. Symond Bradstreete, Mr. Samuell Symonds, Majr. Generall Danyell Denison and Major William Hathorne, Assistant.

Jury of trials: Jeffery Massy, Jacob Barney, Samll. Gardner, sr., Tho. Hale, Benjamin Felton, James Underwood, Henry Collens, Edw. Richards, Tho. Farrer, Mathew Farrington, Thomas Piny [Perry?] and John Fiske.

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Deposition of Robert Lord, jr., that being present at his father's house, he heard Marke Simons and John Pickard discoursing and making writings about a piece of land. Said Pickard was troubled and said that ten pounds of the price did not come in a fair Christian way, etc., and asked to have a hearing of the case. If it came in fairly, he was content to pay it, whereupon they agreed that Mr. Cobbit and Mr. Philips should hear it. Sworn in Ipswich court, 27: 1: 1660, before Robert Lord, † clerk.

\*Job Clements † assented to the deduction of the expenses of his brother, Robert Clements' trip to Ireland, from the estate of John Clement, deceased. Dated, 26: 1: 1660.

†Autograph.

## Civil cases:—

Mr. William Browne, assignee of Mr. Cristopher Cleark, who was formerly assignee of John Jackson v. John Wiswell and Hanna Munnings, administrators of the estate of Mahalaleel Munnings, deceased. For not paying nor making satisfaction for the hire of the ketch Rebecka, neither at Barbados nor at Bostone, in accordance with an agreement made by said Mahalaleele Munnings, etc. Verdict for plaintiff, 267li. 10s. 2d.\*

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\*Rich. Worsley† and Nathaniell Green† testified that Mr. John Jackson demanded of Mr. John Allen, merchant, in Barbados, on Mar. 9, 1659, pay for four and a half months' freight for his ketch, and said Allen refused to pay. Sworn, 19: 4: 1660, before Jer. Houchin,† Com.

"Whereas Mr. Wissell sath ther is 12<sup>u</sup> pd; which in Mr. Carter's acc ther is 19 \$360: which in our acc is: 12<sup>u</sup>: 02<sup>s</sup>: 00; which wee allow for the hh. of wine 5 \$000; more for the 1-3 of: 14 \$360: 4 \$786 2-3; this is our Just due to allow 9 \$786 2-3 is in our acc. 06: 02: 04."

Writ: Mr. Wm. Browne, sr., of Salem, assignee of Mr. Christopher Clark of Boston, formerly assignee of John Jackson v. John Wiswall, etc.; dated, May 9, 1660; signed by Jonath. Negus,† for the court; and served by Rich. Wayte,† marshal, by attachment of two houses in Boston, one in which Hanna Munnings lived, and the other an old house, with land belonging; also the dwelling house and ground of John Wiswall in Boston.

Printed form of bill of lading: Mahalaleel Munnings shipped in the ketch Rebecka of Newingland, Mr. John Jackson, master, then at anchor in the Puscataqua river, bound for the Island of Mederroes, 17,250 white oak pipe staves, one third on adventure of Mr. John Carter of the Island of Mederroes and the other two-thirds on adventure of Mr. John Allen of the Island of Barbados; to be delivered at the said Port of Mederroes to Mr. John Carter; dated, Puscataqua River, Nov. 14, 1659, and signed by John Jackson.† Endorsed by Jno. Carter† for 16,812 pipestaves; dated, Funchal, Jan. 18, 1659-60.

Jo. Allen's† agreement that after the freight was delivered at Barbados, which was in four month's time, the ketch was to be free to take return freight; dated, Mar. 13, 1659. Wit: Richard Holingworth† and Phillip Gribble.† Acknowledged in court by Mr. John Jackson, before Hilliard Veren,† clerk.

Mark King, aged twenty-eight years, deposed that the ketch Rebecah of Boston, when at Barbados in March last, was to be employed by Mr. Jon. Allen of Barbados, who had orders drawn up

†Autograph.

Mr. Henry Bartholmew v. Jacob Towne. For detaining and withholding a mare and foal, according to attachment. Verdict for plaintiff.\*

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for a voyage for salt, etc. Sworn, 24 : 4 : 1660, before Richard Russell.†

John Rainafford, aged twenty-five years, deposed that he was employed as carpenter on this ketch, and they fitted the vessel for a voyage for salt, with wheelbarrows, canvas, etc., but the vessel began to be leaky so that the voyage was abandoned and they returned home, without freight, but with much difficulty, etc. Sworn, 25 : 4 : 1660, before Anthony Stoddard,† commissioner.

\*Writ: Mr. Henry Bartholmew v. Jacob Towne of Topsfeild; dated, 28 : 3 : 1660; signed by Hillyard Veren,† for the court; and served by Samuell Archard,† deputy marshal, by attachment of house and barn.

Henry Bartholmew's bill of costs, 3li. 3s. 8d.

John Wildes, aged about forty years, deposed that the mare in controversy had the same earmarks as Jacob Towne's mare, and that the mare was formerly in deponents' possession, the latter and Edmund Towne having marked her. Deponent also testified that he made over a part of the said mare to said Jacob Towne about three years before. Sworn, June 22, 1660, before Daniel Denison.†

William Nicolls deposed that he had known this mare as Henry Bartholmew's for the past two years, and she had been in summer about Ipswich river, mostly in Topsfeild, etc. Sworn in court.

John Nicolls, aged about twenty years, deposed that three years before, he had helped this mare out of a mire, and had often seen her, with her foal, in that land called the Blind Hole; that he heard the mare belonged to Henry Bartholmew, the latter having bought her of Liftat. Lothropp; that the foal came while she was on the other side of Ipswich river on the Governor's farm, and deponent had seen her the past spring at his father's house, and that she was the same mare that Jacob Towne had taken up, etc. Sworn in court.

Fransis Nurse deposed that "after my brother Jacob and brother Isack had had some discourse with Jossiah Raye about the mare my brother had lost I coming with him from my howse on an lecture day," deponent asked his brother if he could not by any lawful means get the mare, and he replied that she had been sold, and for all he knew might have gone to Berbadus, etc. Sworn in court.

Isack Estey deposed that he and his brother, Jacob Towne, were at Jossiah Rayes house, and heard said Ray say that his brother Lawthropp had taken up a mare very like said Towne's, and depo-

†Autograph.

Mr. Phillip Cromwell v. Mr. John Buck. For withholding possession of one hundred acres of land bought of defendant. Buck

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ment thought from the way they spoke that it did not belong to Lathrop, etc. Sworn in court.

John Lovet, Ensign Willa. Dixi and William Ellet deposed that the mare was the same that Lieut. Lothrop sold to Mr. Henry Bartholomew, etc. Sworn in court.

Jeremy Hubberd,\* aged twenty-eight years, deposed that he lived for more than four years at the house of Lieut. Lothrop, and that he had known the mare since she was two years old, etc. Sworn in court.

John Gould deposed that he was with Jacob Towne when he took up the mare, etc. Sworn in court.

Thomas Lawthroppe deposed that this mare was the same that he sold Mr. Bertholmew, together with a bay horse colt, two years and a half before. The mare had a list down her back, had a little bit cut out of her right ear, usually called a half-penny, near the middle of the ear, which was the earmark deponent had used more than twenty years, etc. Sworn in court.

Richard Mid— also testified. Sworn in court.

William Towne and John Putnam testified that upon some difference about the bounds of Mr. Peterse and Mr. Foogs Meadow, Joshua Ray said that he could show the tree that was the bound tree, etc. Sworn in court.

Joseph Towne, aged about twenty-one years, deposed that he was at his brothers when John Wills and deponent's brothers marked the mare, which was a bright bay, with black legs, black mane and black tail, etc. Sworn in court.

Joshua Rea and William Cressy deposed that the mare they saw at Jacob Towne's was the same that Lieut. Lothrop sold to Mr. Henry Bartholomew, etc. Sworn in court.

Edman Town, Franses Nors and Joseph Town also deposed. Sworn in court.

Edmon Town, aged thirty-one years, brother of defendant, deposed that the mare which Jacob Town lost three years since came of a mare which now belongs to John Wills, and she was in deponent's yard at his house, and they marked all the beasts with the same earmark, etc. After marking they divided the mares, John Wills, having the old mare and his brother Jacob the young one, etc. Sworn in court.

William Towne, aged three score years, deposed that when Joshua Raye and William Creece came to view the mare that his son, Jacob Towne, now has in his possession, said Jacob asked Creece if he knew the mare that Mr. Bartellmue bought of his master Lathrop and he said he did. When questioned about the earmarks, he could not answer definitely, etc. Sworn in court.

\*Autograph.

acknowledged that he sold the land to plaintiff by "an Inch of candle." Verdict for plaintiff, to have a legal assurance of the land within seven days or pay fine. Appealed to the next Court of Assistants. Mr. Thomas Ruck, surety for defendant's appearance.\*

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\*Writ, dated, Apr. 2, 1660, signed by Hillyard Veren,† for the court, and served by Samuell Archarde,† marshal of Salem, by attachment of land.

Bill of charges, 2li. 7s. 7d. Jno. Putnam, old Goodman Huchinson, Joseph Huchinson, Thomas Cromwell, Serjeant Haile, Thomas Barnes and Robert Prince were paid witness fees.

"The Honoured Courte may bee pleased to take nottis thatt Nathanell Puttman & Jno. Puttman them or Either of them will give twenty pounds for the land thatt M<sup>r</sup> phill. Cromwell Bought of M<sup>r</sup> Jno. Ruck." Acknowledged in court before Hilliard Veren,† cleric.

Richard Hucheson, aged about fifty-eight years, Thomas Hayle, aged about fifty years, Thomas Cromwell, aged about forty-three years, Thomas Barnes, aged about twenty-eight years, and Joseph Hucheson, aged about twenty-seven years, testified that they heard Mr. Cromwell bid Mr. Ruke six pounds for his farm. Then Mr. Rucke went and set up one inch of candle or caused it to be set up and said he would sell his farm by one inch of candle "and further sayd there is six pound bid whoe bids more, then wee Asked him what paye he sayd Corne or Provisions, wee sayd wee would give him barll staufes or hoope poolls, then he sayd noe he would haue Corne or proviseons, then wee sayd we would give him itt, then Mr. Cromwell sayd w<sup>t</sup> Iff itt should falle to mee then mr Rucke sayd for y<sup>t</sup> wee shall doe well anoughe : then wee went toe bidinge for y<sup>e</sup> farme and m<sup>r</sup> Cromwell bid lastt and bede six pound nine shillings and sune odde pence—with y<sup>t</sup> ye Candle ffell : when the bargaine was thus ended, M<sup>r</sup> Cromwell sayd Cheapman I will eather giue you a q<sup>t</sup> of wine now and you shall giue mee one when you giue mee a bill of sayle or ells you shall giue mee one nowe and I will giue you one when you giue mee a bill of sayle, then Mr Ruke sayd Chaepman which you please ; soe mr Cromwell Called for a q<sup>t</sup> of wine and did drinke to Mr Ruke sayinge heres toe you Chaepman mr Ruke Answered I thank you Chaepman." Sworn in court.

Jno. Putnam, aged about thirty years, deposed that he was at Mr. Gidny's, and talking with Mr. Ruck about his farm, asked him his price. Deponent said he would give five pounds and Mr. Cromwell said he would give six, etc. Sworn in court.

Thomas Cromwell and Thomas Barnes deposed that they heard Mr. Ruke say to Mr. Cromwell that what he was indebted to him should be set off upon this account of the land, etc. Sworn in court

†Autograph.

Emanuel Clearke, attorney of Edward Barton v. William Nick.  
For withholding land belonging to Barton. Withdrawn.\*

"in the new law book in pag 15 the law sees : wharas the way of passing of houses & landes by salle in England is both peesabell & effectuall namly by deed in writing sealed & deliuer<sup>d</sup> w<sup>th</sup> liueri and sezon or posestion giuen of the same before witnes or by deede Acknowledged and Recorded or by seeing a ffine & that diuars within this Jueridiction are apt to Rest upon unsartin bargins or salles for houses or lands of any valow ; this Cortt taking this thing into Searis Consideration doth heerby declare & order for the prevention of all Clandestine and unsartin salles & titells : that henceforth noe sale or Alination of houses or lands in this Jueridiction shall be houlden Good in law Exsept the same be dun by deed in wrighten under hand & seel & deliuered & posestion giuen apon part in the name of the whole by the vender or his Atorny soe Athorized under hand & seale : unles the said deed be Acknowledged according to law and Recorded."

\*Writ : Emanuel Clearke, attorney of Edward Barton v. William Nick ; for withholding land of said Barton's, upon part of which was formerly a house, which land and house had been illegally detained by defendant for divers years ; dated, June 6, 1660 ; signed by Hillyard Veren,† for the court ; and addressed to the marshal of Marblehead.

Benjamin Parmintor deposed that the house and land now in controversy, he hired of Edward Barton about seventeen years ago, and paid him twenty shillings a year rent for it ; that Barton was the sole owner and at that time it was fenced and planted with Indian corn by said Barton. Sworn in court.

Moses Mavericke deposed that this house was built by Richard Hide, who had the land by his request from the major part of the inhabitants of Marblehead, and that he quietly possessed it as long as he lived in Marblehead. Sworn in court.

Mary, wife of William Chichester, deposed that her husband at one time owned a house at Marblehead, said to have belonged some time before to Edward Bartol. She had heard her husband and others say that her husband bought it of Mr. Heale of Boston, agent to Mr. Israell Stoughton ; and her husband enjoyed it for about two years and then sold it ; this was about fourteen years since. Sworn in court.

Edmund Nichelson deposed that about sixteen years since, this house and ground of Edward Barton at Marblehead was attached in the suit of Mr. Israell Stoughton, and some time after, the place was sold through Mr. David Heale, in behalf of Mr. Stoughton, to William Chichester. Sworn in court.

Richard Hide deposed that he built this house on the half acre

†Autograph.

John Brimblecom v. Hester James. Slander. For calling him rogue and vile names, etc.\*

Hester James v. John Brimblecom. Slander. Verdict for defendant. †

John Mansfeild v. John Ramsdell. For illegally taking a yoke of oxen from plaintiff in the highway in a general field, and pounding them. Withdrawn. ‡

granted him by the town of Marblehead, and he exchanged this property, with Edward Barton, for a house and land in Salem; that said Barton possessed the Marblehead house and land three or four years, etc. Sworn in court.

Benjamin Parmiter deposed that after the house was attached by Mr. Israell Stoughton, Robert Elwell came to deponent and desired deponent to remove in order that said Elwell might take possession of it for the use of Mr. Stoughton; that Goodman Elwell lived there a while after that, etc. Sworn in court.

Robert Elwell deposed the same. Sworn in court.

\*Writ, dated, May 17, 1660, signed by Francis Johnson, § for the court, and served by the constable of Marblehead.

Rebecka Conde, Rachell Codner and Elizabeth Skinner, all aged above twenty years, deposed that Rebecka Conde and Hester James had some difference between them. Said Hester remarked that John Brimblecome, who had her name in question, was a rogue, etc. She also called him vile names. Sworn in court.

Ester James § of Marblehead made her brother, Erasmus James, her attorney; dated, Marblehead, June 26, 1660. Wit: Johnson Morcombe. §

John Brimbelcome's bill of costs, 1li. 8s. 2d. In the second action, 8s. 4d.

†Writ: Hester James v. John Brembelcombe; slander; for saying that the plaintiff said that James Watts followed after her like a dog, etc.; dated, June 19, 1660; signed by Francis Johnson, § for the court; and served by the constable of Marblehead.

Rebeca Conde, aged about thirty years, deposed that James Watts came to her house where John Brimblecom was, and the latter said "James thee hast well don to com to new England to runn after a wench" like a dog, etc. "the said James said prithy John tell me whoe saith soe, he answered noe not now, but he would another time." The next day deponent heard him tell the said James Watts that it was Hester James who said it.

James Watts, aged about thirty-five years, deposed that being at John Brimblecome's lodging, etc.

Rachell Carnes, aged twenty years, and Richard Read deposed.

‡Writ, to replevin a pair of oxen of John Mansfeild's, in the

§Autograph.



John Hathorne v. Joseph Armitage. Debt. Forfeiture of a bond. Withdrawn.\*

Mr. Brian Pendleton v. John Newmarsh and Thomas Perkins. Debt. By bill upon his book. Defaulted.†

Mr. Joseph Juett, attorney of Thomas Perry v. John Godferye. For withholding writings of said Perry, which had been satisfied and paid. Verdict for defendant.‡

Tho. Marshall v. Capt. Tho. Marshall. Debt. For withholding a heifer and calf. Withdrawn.§

Thomas Antrum v. Isaack Burnap. For not paying part of the purchase of a farm bought of plaintiff. Withdrawn.¶

John Godferye v. Richard Ormsby. For twelve bushels of wheat which he promised to pay to plaintiff in exchange for a parcel of shoes, which was delivered at James Ordwaies house about two years since, on the account of said Ormsby. Verdict for defendant.¶

hands of John Ramsdale; dated, 13: 4: 1660; signed by Will. Longley,\*\* for the court; and served by Theophylus Baley,\*\* constable of Lyn.

\*Writ, dated, June 18, 1660, signed by Hilliard Veren,\*\* for the court, and served by Samuell Archard,\*\* marshal of Salem, by attachment of house and two or three poles of ground. Bond of Joseph Armitage.\*\*

†Writ, dated, May 29, 1660, signed by Robert Lord,\*\* for the court, and served by Robert Lord,\*\* marshal of Ipswich.

‡Writ, dated, Apr. 3, 1660, signed by Richard Littlehale,\*\* for the court, and served by Robert Lord,\*\* marshal of Ipswich.

§Writ: Thomas Marshall, carpenter v. Capt. Thomas Marshall; debt; dated, 29: 3: 1660; signed by Will. Longly,\*\* for the court; and served by Theophilus Baley,\*\* constable of Lyn.

¶Writ: Thomas Antrum v. Isaack Burnap of Salem; for not paying part of the purchase of a farm, bought of said Antrum; dated, June 13, 1660; signed by Hillyard Veren,\*\* for the court; and served by Thomas Golthwrite,\*\* constable of Salem, by attachment of the farm, meadow and upland, housing, etc. that Isaack Burnap lives upon.

¶Writ, dated, May 3, 1660, signed by Anthony Somerby,\*\* for the court, addressed to the constables of Newbury or Salisbury, and served by John Ilaly,\*\* constable.

James (his mark) Ordway and Anne (her mark) Ordway, his wife, deposed that Richard Ormsby of Salsbury had a parcel of shoes of John Godfry, for which said Ormsby agreed to pay twelve

\*\*Autograph.

Mr. Adam Haukes v. Mr. William Paine and company of undertakers of the Iron works of Lynn and Mr. Oliver Purchass, their agent. Trespass. For damming their waters so high, which was the cause of floating his lands, well and bridge, to his great damage for several years. Verdict for defendant.\*

bushels of wheat. Anne further testified that the payment was to be made a twelfth month after. Sworn, June 22, 1660, before Daniel Denison.†

Anthony Somerby† testified that when Goodman Ormsby gave a bond to John Godfry for certain debts he owed to said Godfry, there were twelve bushels of wheat accounted and put into the bond. Sworn, June 25, 1660, before Daniel Denison.†

Richard Ormsbey's bill of costs, 16s. 6d.

\*Writ, dated, 4mo: 1660, signed by William Longley,† for the court, and served by Theophylus Bayley,† constable of Lynn, by attachment of meadow on the west side of the river to the Long Poynt, to the value of one hundred pounds.

Oliver Purchis' bill of costs. To Major Wm. Hathorne, Joseph Jencks, sr., Henry Leonard, Jno. Vinton, Nicholas Pinnion, Macam Downing, Charls Phillips, Thomas Browne, Daniell Salmon and George Darline, witness fees.

Thomas Wellman and John Knight, appointed to appraise the damage, reported that it amounted to 10li. a year, for the meadow, plow land and in floating a bridge; in the corn field, the corn had suffered much from the water; the wells were sometimes floated with the waters of the Iron works, so that when the pond was up with the waters standing in the wells, the well water was not fit for use on account of the dirt that fouled it; the damage in the orchard, in the English grass and in the tobacco lands was also great, etc. Sworn in court.

Charles Phillopes testified that he had kept the water at the Iron works since Mr. Purchas came, and that the latter told him to keep it low in order that it might not damage Mr. Haukes. This deponent did, and gained the ill-will of the workmen thereby. Sworn in court.

Agreement, dated, Oct. 31, 1652, between John Giffard,‡ agent for the company of the Iron works, and Adam Hawks: Whereas there was an agreement made, 20: 4: 1651, by Capt. Robert Caine and Capt. William Hawthorne, arbitrators for said Giffard and Hawks, in consideration of certain damages that said Hawks had received, from the first erecting of the said works by raising a dam for the works, whereby he had lost the use of three acres in one place and since then, six acres, besides the overflowing of certain feeding

†Autograph.

‡Autograph and seal.

Mr. John Ruck, assignee of Mr. Thomas Ruck v. George Halsell. For boarding, clothing and other disbursements for and belonging to his daughter, from June, 1656.

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lands, for all of which said Hawks was allowed eight pounds ; now in consideration of that causeway which should be made him good by the company with sixteen loads of hay to be allowed him yearly, besides two hundred cords of wood granted said Hawks to cut and carry away ; also in consideration of ten acres of ground now sold by Hawks to the Iron company, lying near the works among those ten acre lots which lay near Thomas Errington's house, and in full satisfaction for any future damage that may occur, the said Giffard conveyed to said Hawks, that fresh marsh called Farmer Dextor's marsh, which adjoined the house of Adam Hawks, which was in full satisfaction of the arbitration. It was further agreed that for the future the water should be so kept that it would not ascend the top of the upper flood gates in the pond or higher than a foot and a half from the top of the great rock that lay in the middle of the pond before the gates. Wit: John Jarvis\* and Daniel Salmon.\*

Joseph Jencks, sr., deposed that he spoke with Adam Hawks about the damage and the latter told him that he had satisfaction from the old company, etc. Sworn in court.

Thomas Browne deposed. Sworn in court.

Daniell Salmon, aged about fifty years, deposed that, being servant to the Iron works under Mr. Geffards, he laid out the marsh given to Mr. Hauckes for damage, and Hauckes was with him at the time, etc. Sworn in court.

Henorey Lenard, aged about forty years, Nicklis Pinnion and John Vinton deposed that ever since Mr. Porchas came to the works, the water had been kept low by his order, so low that it caused a great deal of difference between the workmen and the water drawer ; that the waste had been dug wider and deeper since he came, etc. Sworn in court.

Francis Hutchinson deposed that the flowage of water over Mr. Adam Hauckes' land made the ground unfit for use ; that the bridge in front of the house, which was the usual passage to and from the house for both man and beast, a herd of cattle passing over twice each day, had been broken by the water and the timbers raised up ; that the cattle were in danger of falling in and breaking their legs ; that sometimes it had been repaired, and then the water would break it so that horses going over had fallen in, etc. Sworn in court.

Writ: Mr. John Ruck, of Salem, assignee of Mr. Thomas Ruck of Boston v. Georg Halsall ; dated, 26 : 1 : 1660 ; signed by

\*Autograph.

Mr. Edmund Batter v. Ned, the Indian, so called. Debt of eight pounds. Verdict for plaintiff.\*

John Godfery v. William Holdridg. Debt. For forty-four bushels of rye and twelve and one half bushels of wheat due three years since. Plaintiff swore that defendant was legally summoned.†

Thomas Marshall of Lynn was licensed to keep an ordinary and to sell wine, strong waters and other provisions meet for travellers.

Major Hathorne, on 14 : 3 : 1660, fined Owen Williams 10s. for striking James Thomas, it being proved.‡ Edward Woollen promised to pay it.

John Rayment sworn constable for Bass river side.

Sara, wife of William Ellett, ordered by Maj. Hathorne to sit by the heels two hours or to be fined 20s. for several filthy and uncivil speeches, it being proved by several witnesses. She chose to pay the fine. Wit: Zachariah Herrick, Osman Trask, Benjamin Balch and John Miller.§

Jonath. Negus,¶ for the court; and served by Edward Mitchellson,¶ marshal general.

\*Writ, dated, June 14, 1660, signed by Hillyard Veren,¶ for the court, and served by Samuell Archard,¶ marshal, who arrested defendant and sent him to prison. "I sent Ned the Endian to prison by me sonn Samuell Archard & he run away from him."

Edm. Batter's bill of costs, 18s.

Saml. Archard, sr., deposed that he heard Ned, the Indian, acknowledge a debt of eight pounds to Edm. Batter. Sworn in court.

†Summons to William Holdridge of Haverhill for his appearance at next Salem court, dated, May 22, 1660, and signed by Anthony Somerby,¶ for the court.

‡Wit: Alester Mackmallen.

§Benjamin Balch testified that he heard Sara Ellett, wife of William Elett, accuse Goody Bishop of improper relations with Goodman Ellett, before said Bishop was married. Sworn, 14 : 3 : 1660, before Major Hathorne, and attested by Hilliard Veren,¶ cleric.

Zackery H[errick], Osmond T[rask] and John M[iller] testified, 1 : 10 : 1659, that Sara Ellet was a woman of an ill tongue and language, and had in their hearing spoken vile words concerning Edward Bishop's wife, etc. Sworn before Major William Hathorne, 14 : 3 : 1660, and attested by Hilliard Veren,¶ cleric.

¶Antograph.

Erasmus James, dying intestate, an inventory\* of his estate, amounting to 86li. 1s. 8d., was brought in by his widow, Jane James, who was appointed administratrix. She was to have the estate as long as she remained a widow, and if she died, it was to be equally divided between her son Erasmus and daughter Hester. The debts amounted to 19li. 14s. 10d.

Mr. Thomas Layton was sworn commissioner for Lynn to take Capt. Marshall's place during the remainder of the year.

Samll. Freind sworn constable for Manchester and Jon. Pears for Gloster.

John Peerson of Rowly acknowledged judgment to Mr. Richard Dumer of Newbery.

Jonathan Hutson and William Barton sworn constables for Lyn.

Theophilus Bayly sworn clerk of the market for Lyn.

Mr. Roads, constable of Lynn, had his fine remitted for not making a true return of jury of trials.

\*"An Inventory of the Estate of Jane James, widdow of Erosus James deceased," taken by Francis Johnson† and Moses Maverick : † A Cowe, 4li. 15s., heafer, 3li. 5s., 8li.; a new bedtick & boulster, 2li.; a new green Rugg, 1li. 15s.; a bed & boulster, 2 pillows & 2 pillow beers, a rugg, 2 blankets & sheets, 5li. 15s.; a cheste & a box, 1li.; 6 pewter dishes, 1li.; 9 poringers, 4 Candl-sticks, 2 salts, 7 sacers, a pewter beer cupe & small Cupp & 5 earthen cups & Juggs, 1li. 9s. 2d.; A warminge pann, a smothing iron, a spitt, pott hooks, tongs, gridiren and friing pann, 19s.; 3 Iron potts & 2 small Iron kittells, 2li.; Latten ware, pailles, tubs, Chares, boules, trenchers, sives, Cann, table and forme, 1li.; an earthen pott, 5 wedges, an Iron Crow, 2 howes, 15s.; more wooden ware as barrills, hogsheads and other lumber, 11s. 6d.; 10 bushels of Indian corne, 1li. 10s.; other Lumber, 4s.; wareing Cloths of the deceased, 5li.; 5 swine, 3li.; a house and tenn Ackre lott, 50li.; total, 86li. 1s. 8d. "The land in Marblehead w<sup>th</sup> the house in w<sup>th</sup> the deceased liued and died in, beinge in controversie between Erosus James Junio<sup>r</sup> & Richard Reed w<sup>th</sup> we knowe not whose it is, but beinge desired by the said Erosus James Junio<sup>r</sup> to be prised we vallew at the some of fortie pounds." Wit: John (his mark) Legd. † Debts of the said Erosus James at his death: To Arther Sanden, 13s. 5d.; Mr. John Phillips of Boston, 4li.; Mr. Philipe Crumwell, 4li. 14s. 1d.; Mr. Mauricke, 3li. 7s. 4d.; Fra. Johnson, 3li.; Richard Read, 2li. 10s.; Mr. Corwine, 1li. 10s.; total, 19li.

†Autograph.

‡Legg.

William Golt, dying intestate, his widow, Mary, brought in an inventory,\* and was granted administration upon the estate.

Mr. Edward Norice brought in the last will† and testament of his father, Mr. Edward Norice, deceased, and it was proved.

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\*Inventory of the estate of William Goult, taken Apr. 21, 1660, by Jefferie Massey and John Kitchin: A dwelling house wth. 16 pole of land aptayning thereunto, 20li.; a feather bed, a feather boulder and an ould pillow, 3li.; one ould Rugg & one ould Covering, 1li.; Curtens and valence, 15s.; 2 beedsteeds wth. 2 bed Cords, 15s.; 1 ould bed, 1 ould boulder, 2 blankets and 1 ould Covering, 1li. 4s.; 3 payre of sheets & 1 odd sheete, 2li.; 3 ould Course napkins, 1s.; 2 Chests, 16s.; 2 Trunkes, 12s.; a Cheare table, 7s.; a Cobbord, 8s.; 2 pewter dishes, 9s.; 3 small ould pewter dishes, 4s. 6d.; 1 pint pot, 1 pewter botle, a pewter candlestick and 2 dram cups, 8s.; a latin puding pan, a latin lamp and a sawce pan, 2s.; 1 brass kete, 1 ould warming pan and a skellet, 1li. 3d.; 2 Iron ketles, 1 Iron skellet and 1 Frying pan, 16s.; fyre shovell, tonga, hake and hookes, 7s.; 5 Cheares, 5s.; barells, tooles and trayse wth. other wooden Implements, 1li. 1s.; 1 Smoothing Iron wth. heating Irons, 3s.; 9 li. of linen yarne, 1li.; Coton wooll and Coton yarne, 8s.; 1 axe, 2 Iron wedges, a shave, a black bill wth. other small Iron tooles, 11s.; shoemakers tooles, 9s.; a bible wth. other small bookes, 11s.; ledder unwrought, 5li.; 1 hamer, 2 ould hatchets wth. ould Iron, 3s.; shoemaker's last wth. stoole trees, 13s.; wearing aparell, 4li. 8s.; a stone Jar wth. other Implemts., 5s. Debts due out of the estate: To Mr. William Browne, 3li. 12s.; Mr. Georg Corwin, 2li. 10s.; Mr. Gedney, 15s.; Mr. Phillip Cromwell, 1li. 16s.; John Porter, jr., 6li. 5s.; Bridgham of Boston, 5li. 2s.; Mr. Batter, 1li. 2s.; the balance of the estat, Rest Cleare, 27li. 2s. 6d. Children of William Goult, deceased: Rebecca, aged nineteen years; Debora, aged about fifteen years; Sara, aged about thirteen years.

†Will of Edward Norice of Salem, "Minister of the Gosple of Jesus christ & Teacher to the Church of christ In Salem, hauing an Infirmytie upon me W<sup>ch</sup> may proue uery dangerous, & mortall," etc., proved by Mr. Price, 27: 4: 1660: "Imp<sup>r</sup>: I giue & bequeath my Soule into the hands of Jesus Christ my deare Redeemer, in whose Faith I haue Lived preached, & now By his Grace hope to dye in, As alsoe my Bodie to the earth from whence it was taken. Item I Giue & bequeath unto my Son Edward Norice (my debts being paid) & to his heires for euer my dwelling house (I now Live in), W<sup>th</sup> all the outhouses, gardens, orchards & Arable Land thereto belonging, & appertaining, together with all my household stuff, Bookes, goods & chattles moneable and unmoneables, W<sup>th</sup> all my debts, bills & bonds, & it is my will that my s<sup>d</sup> Sonn Edward

Hana Bradstreet was granted administration upon the estate of her husband, John Bradstreet, deceased. Inventory,\* amounting to 103li. 9s., was proved.

Will† of James Moore, proved by Joseph Jenkes, sr., was allowed. Ruth, widow of deceased, brought in an inventory,‡ amounting to 56li. 8s. 6d.

Notice be my Sole Executo<sup>r</sup> to this my Last Will & Testam<sup>t</sup> desiring & intreating my Louing Friends Jn<sup>o</sup> Horne & Richard Prince decons of the church of Salem afore s<sup>a</sup> to assist my Sonn & be In place & steed of ouerseers of this my Last Will & Testam<sup>t</sup> as Need Requireth, Unto w<sup>ch</sup> in these prts I haue hereunto sett my hand & Seale the 9 day of the 10 m<sup>o</sup>: Called decemb: one Thousand six hundred fite seauen 1657. Edw. Norice.§" Wit: Walter Price|| and Elias Stileman.¶

\*Inventory of the estate of John Broadstreet of Marvellhead, lately deceased, taken by John Bartoll and Joseph Dalliver, on 14: 4: 1660: One Bible wth. 3 small seabookes, 1li. 6s.; sea instruments, 1li. 5s.; one feather bed, one pillow, one flocke bed, one Cotton Rugg wth. the Bedlinnon, 8li. 17s.; one peece of Hollan, 4li.; eight yds. of Canvas, 24 yds. of Ossembrike, one halfe peece of Blulinnon wth. som Taken, 4li. 5s.; Three Pewter platters, 1 pott, 2 dishes, 2 Iron potts, 3 hangers wth. one Postnett, 2li. 8s.; Beaver, 2li. 5s.; one suit of Waring Apparrell, one Cloke, wth. Sea Cloathes, 33 Chayres, 8li. 3s.; one payre of Curtanes and Vallance, 1li.; Two Cowes, 8li.; one mare, 12li.; howse, 20li.; Fower ten Acre lotts, 30li.; total, 103li. 9s.

†Will of James Moores of Hammersmith, dated, 5: 5: 1659. He bequeathed "One Cow y<sup>t</sup> is now feeding to my little daughter: Dorothy: to be sold & Improued to y<sup>e</sup> best aduantage as y<sup>e</sup> lord shall please to blesse it for y<sup>e</sup> good of my said child. as for the rest of my estate: all Just debts being honestly paid: in y<sup>e</sup> first place whatsoever is Remayning I doe giue & bequeath to my beloued wife Ruth Moores: both of what is myne within doores & also else where in any mans hand or otherwise: to be at her disposall for her good & Comfort & for y<sup>e</sup> accomplishment of this my last will I doe appoynt Oliver Purchis & John Clarke: my Louing friends to be my ouerseers." James (his mark) Moores. Wit: Joseph Jenkes, sr.,|| and Joseph Jenkes, jr.¶

‡Unsigned and undated memorandum or inventory of the estate: Swine, pewter, two brass skilletts, Iron potts & kettles, a firepan, alice & potthooks, 4 wedges, 2 beetle rings, wearing apparrell, sheets, shirts, a table Cloth, 3 hatts, a flockbed, 3 Fether pillows, a Cubbart & Cubbart Cloth, a Chest, one Chaire, barr of Iron, Lin-

§Autograph and seal.

||Autograph.

John Pomeroy, on his confession that he was overtaken in drink, was fined. Mr. Walter Price promised to pay the fine.

James Underwood fined for absence from jury, which was later partly remitted.

Mr. Johnson was licensed to sell strong waters to those to whom he sold other goods, provided he sold and delivered not less than a gallon at a time.

Danyell Cleark was licensed to keep a house of public entertainment in Topsfield.

Mr. John Hathorne's license renewed.

George Ropes was allowed 18d. for attendance at court, on complaint of Tho. Robins.

John Godfery was allowed charges for attendance at court on complaint of Abram Whittaker.\*

The wife of William Vincent confessed to disturbing the people in the meeting-house on the Lord's day, and was ordered to pay a fine or make public acknowledgment. William Vincent promised to pay. Wit: Jon. Pears and Jon. Davis.†

nen wheele, 3 pr. of shoes, — ; a payre of men's stockings, 4s. ; other old Lumbar in ye Kitchen, 13s. ; butter & Cheese, 1li. 4s. ; tools p Colliers use, 3li. 4s. 6d. ; total, 56li. 8s. 6d.

\*Writ, dated, Apr. 16, 1660, signed by Richard Littlehale, ‡ for the court, and served by Michaell Emerson, † constable of Haverhill.

John Godfree's bill of charges, 1li. 2s. 4d.

†“To y<sup>e</sup> Honorable Court of Salem: I Sarah Vincen was presented for speaking to a man at y<sup>e</sup> meeting house doore upon y<sup>e</sup> lords Day; the words y<sup>t</sup> I said: if you goe into teach heare you must leaue your head be hinde you: The Reson why I said these words was Because that a few daies befor he said If I come to teach here as long as there is an abler man in y<sup>e</sup> town I will give you my head from my shoulders: and I seing that the man had taken upon him y<sup>e</sup> weeke befor: to cary un y<sup>e</sup> worke of a day of Humiliation appoynted by y<sup>e</sup> generall court; to y<sup>e</sup> great greefe of many in y<sup>e</sup> towne: and then coming again y<sup>e</sup> Next Saboth after to cary un the worke of y<sup>e</sup> Saboth againe; I thought in my conscience I could doe no les then to speake to him about it; being I conceiued y<sup>t</sup> he lay under sinn & y<sup>e</sup> more because there was another appoynted by y<sup>e</sup> Honorable court to cary un the worke until the lord should be pleased to prouid another and I speake to no man but to himself neither had I y<sup>e</sup> least thought to make any Disturbance at all, But I haue since better considered of it: & I am very sory y<sup>t</sup> I did say anything at all unto him at y<sup>e</sup> time or in y<sup>e</sup> place; though I did indeauer to speake to him in priuat but I could not: I doe ac-

‡Autograph.



Samuell Archer, marshal, according to power given him by the court, sold ten acres of land to Tho. Oliver for 5li., and a two acre lot in the town to Ed. Woollen for 7li. 10s. Court confirmed his action.

Thomas Putnam was allowed witness fees for several presentments.

Benjamin Woodrow and Rebeca Cattleburye sentenced to be whipped or to pay a fine of 40s. each for fornication before marriage. John Rowdon promised to pay 40s. and the said Benjamin the other 40s. within the year.\*

Will and inventory of the estate of Laurence Sothwick, deceased, brought into court by John and Danyell Sothwick, had not been legally proved nor inventory perfected. They were given until the next Salem court to perfect them, and were bound in 400 pounds.†

Mr. Thomas Gardner, appointed by the last court as administrator of the estate of Joshua Connant, deceased, brought in an account of the said estate and was discharged.‡

knowlidge that wisdom & sobriety should haue taught me to foreborne at y<sup>t</sup> time & haue made authority aquainted with it at some other time; & I am uery sorry y<sup>t</sup> I did it; for I neuer did so befor & I hope I shall never doe y<sup>e</sup> like againe: But I confes y<sup>t</sup> it was out of tendernes of conscience y<sup>t</sup> I did it and so I am willing to submit it to y<sup>e</sup> Honorable court & what they shall Judge of I am willing to yeeld.”

John Pears, aged forty years, deposed that Sara, wife of William Vincin, about the middle of June, 1659, upon a Lord's day, stood upon the threshold of the meeting house door, one hand upon one post of the door and the other on the other post of said door, and to the grief of many present, etc.; also that William Vincin said that he could not persuade his wife to stay home that Lord's day, and therefore he brought the black staff up to the meeting house to prevent what might follow. Sworn in court, June 27, 1660.

John Davice also deposed. Sworn in court, June 27, 1660.

\*Ben. Woodroffe and Rebecca Canterbury were brought before Wm. Hathorne, § 6: 12: 1659. Both confessed, and were bound to next Salem court. Wm. Canterbury, surety for said Rebecca, and Josua Ray and John Harwood, for Woodroffe.

†William Robinson and Thomas Gardner testified to the court that John Southick and Daniell Southick “haue made a verie fayre agreement about the deviding of their fathers estate.”

‡A note of what was dewe to mee from Josuah Connant: Wintering of 8 sheepe at 6s. ☉ sheepe, 2li. 8s.; 32 lode of wood at 4s.

§Autograph.

The difference pending in the case of John Mansfield v. John Ramsdell, concerning a highway in a general field at Lynn, which action had been withdrawn, ordered to be settled by Farmer John Porter, William Dodg and Roger Hascall, all of Salem. They were to view the said highway, in company with said Mansfield and Ramsdell, and to take information from none except the proprietors of that field; also to make return to the next Salem court.

Richard Stackhouse and Mary Woodberye, bound to this court to answer to some words in difference between them, were discharged.\*

The wife of Anthony Needham presented for absence from pub-

3 lode, 6li. 8s. ; for a bushell of wheate, 5s. ; 3 bushels of Indian Corne, 9s. ; payde for him to Jone Cotta, 11s. ; dew to Joseph Gardner for 3 yeares rent for his house at 3li. 3<sup>o</sup> yere, 9li. ; payd for him to Richard Prince, 13s. ; payd to Mr. Browne, 10li. ; payd to Mr. Crommell, 5li. 13s. 11d. ; total, 35li. 7s. 11d.

Hugh Jones† testified that while he lived with his master Gardner, the latter wintered eight sheep for Joshua Connant, and deponent carried in wood to his wife, "I gesse" upward of thirty loads, also corn and wheat, etc.

Jone (her mark) Cotta, wife of Robert, testified, 20 : 4 : 1660, that she received of Thomas Gardner of Salem, eleven shillings for the keeping of Josuah Connant's sheep one summer.

Phillip Cromwell's† receipt dated, June 10, 1659, from "ould m<sup>r</sup> Gardner" for a debt of 5li. 13s. 11d.

\*Richard Stackhouse complained of by Mary Woodbury for calling her filthy, bobtail sow, etc., and for saying that he would stab her and stamp her as fine as the earth, etc.

Henry Bayly complained that Stackhouse abused him with words, calling him knave, etc., and saying he could prove it.

Ralph Elenwood testified that when he and his wife were together, Stackhouse called them rogue and baud, and it was witnessed by Tho. Tuck and Samll. Corning.

The daughter of Richard Stackhouse testified that Mary Woodbery gave her abusive speeches, and also struck her with a broom.

Mrs. Cromwell testified that while she was at Stackhouse's house waiting to get passage over the ferry, the latter delayed and gave her many abusive and unseemly words.

Ensigne Dixy was surety for his daughter, Mary Woodberie's, appearance.

All the foregoing testimony and record, dated, 14 : 3 : 1660.

"The wife of Hugh Woodbury & Richard Stackhouse are agreed if the honored Court wilbe pleased to Release there bond."

†Autograph.

lic ordinances, fined 3li. 15s., for fifteen days' absence. She refused to pay or have it paid for her, and the court, considering her former offensive and provoking speeches, and she, desiring to have the punishment inflicted upon her person, ordered her to be whipped twelve stripes.

Mr. Edmond Batter admonished on his presentment for saying that Eliz. Kitchin had been "spawawing," and calling her base quaking slut, with divers other opprobrious and taunting speeches. Presentment was not wholly proved, although he confessed that he said to Elizabeth either "haue you beene? or she had beene apawawing," and called her a quaking slut, "meeting of her betims in the morning comeing as he supposed from a quaking meeting, seing also som other peons (that waies affected) Comeing yt waye which shee came," etc.\*

Zachary Herrick fined for abusing Roger Hauscall when he was constable, threatening him and speaking reproachfully to him. Also to pay the witness fee of John Rayment.†

\*John Ward,‡ aged about twenty years, and Thomas Mekings,‡ aged about eighteen years, deposed that, being with Mr. Batter and Thomas Rootes near Strong water brook, they saw the two latter when they met with the wife of John Kitching, riding upon the highway; that they took her horse by the bridle and bade her come down, but she would not. Then said Batter and Rootes pulled her, and the man who was before her, off the horse, took it from them, and said Rootes rode away with it, etc.

Mr. Phillip Cromwell, aged about forty-eight years, deposed that he and Thomas Roots were present when they met Elizabeth Kitchin on horse back; that Mr. Batter did not touch the said Elizabeth, neither did he use the word base, nor was he in any passion, etc. Deponent was near him and saw and heard everything, and John Ward and Thomas Meakins were about four or five poles away. Thomas Roots deposed the same.

Summons served, June 28, 1660, by Tho. Roots and Tho. Gouldthryt, constables of Salem.

†John Beaymond, aged about thirty-eight years, deposed that he went with the constable, Rogger Haskcull, to Zach. Herriek's, who was not at home at the time; that the constable took a kettle for his rate, and Herrick, coming in presently, took said Haskcull by the shoulder and threatened that he would make him an example to all such knavish constables as he or all knavish constables. Sworn in court.

Ousman Trask, Edmond Grover, Zechariah Herieck and Joseph

‡Autograph.

The following matters were referred to Major William Hathorne : To inquire about an ox, which was lost, belonging to the county ; also concerning a complaint about the misusage of John Phelps, son of Henry Phelps ; and about a child belonging to George Byam, now in the hands of William King.

Hugh Joanes and Isaack Cooke allowed witness fees in a presentment.

Ordered that a county rate be raised, to the value of one tenth of the country rate, and to be paid in at the same time that the latter is received.

Ordered that Samll. Archer, marshal, in the execution of his office in gathering up the courts "dues or fines," be not personally responsible for the goods he seized legally, notwithstanding any pretence of any person of making over their goods to another.

Mr. Stileman licensed to draw wine, and ordered to agree with Mr. Gedney what to allow for the drawing of wine by the butt or otherwise.

Servants of the house were allowed five shillings.

Judgment on the presentments brought into court, 27 : 4 : 1659 :

James Smith convicted and admonished for absence from the public ordinances on the Lord's day.\*

The wife of George Gardner, the wife of Samuell Shattuck, and the wife of John Kitchin were fined 50s. each for ten days' ab-

Harrise deposed that seeing Edmond Grover's landmark removed, Rogger Haskcall acknowledged to them that he did remove it.

Ousmone Trask, aged about thirty-five years, deposed that when Rogger Haskcall was constable, Zachariah Herieck went to deponent for barley to pay his rate to the said Haskcall. Deponent measured it and delivered it to said Herieck, who carried it to Haskcall, and William Sirgant said he went with Herieck when he took the barley. Deponent further testified that said Haskcall demanded of him twenty shillings of the meeting-house rate, after he had paid it, but when he saw he could prove it, Haskcall acknowledged he had received it.

Edmond Grover, aged about sixty years, deposed that, two years ago when Rogger Haskcall was constable, he demanded his rate twice, and apologized by saying that he could not make up his accounts with Mr. Corwine, etc.

Joseph Harrise, aged thirty years, deposed that, four or five years since, said Haskcall demanded six shillings, after it had been paid by his order, toward the meeting house.

\*Wit : Thomas Pitman and William Charles.

sence from public ordinances. These several persons were adjudged for their delinquences from 30 : 9 : 1658 to 27 : 4 : 1659.

The wife of Robert Buffum and the wife of John Sothwick were fined for fifteen days' absence.

Danyell Sothwick and John Small were fined for twenty days' absence.

Samuell Salmon admonished for often absenting himself.

Joane, wife of Robert Hibbert, fined or to make acknowledgment, upon her presentment for railing and speaking several lies, affirming that Zachariah Herrick went away drunk from John Stone's house about one or two o'clock at night, etc. She denied, to those who heard her, that she spoke the words, and took God to witness ; and also said, as she had a soul to save, it was not true.

Elizabeth, wife of Edmond Nicolson, admonished for absence from public ordinances.\*

Elizabeth, wife of John Legg, ordered to pay fine or make acknowledgment, for saying that if the people followed Mr. Walton's preaching or ministry, they would all go to hell. She paid the fine.†

Michael Shafin, — Veren, the wife of Josiah Sothwick, the wife of Richard Gardner and William Marstone admonished for often absenting themselves from public ordinances on the Lord's day.

Samuell Wilkins fined upon his presentment for several gross and pernicious lies.‡

\*Marblehead presentment. Wit : Mr. Moyses Maverick and Tho. Pittnam. Summons signed by Hillyard Veren,§ cleric, and returned by Joseph Dallaber,§ constable of Marblehead.

†Marblehead presentment. Wit : Elizabeth Codner. Summons signed by Hillyard Veren,§ cleric, and returned by Joseph Dallaber,§ constable of Marblehead.

Benjamin Parmiter deposed that the wife of John Legge upon a Lord's day morning, coming from meeting, upon occasion of Mr. Waltum's reprovng one who slept in meeting, broke out against him and said that " we were all a Company of foolcs," etc. Sworn in court.

Jno. Codner, aged about thirty-four years, deposed that he heard Elizabeth Legge say that Mr. Walton was a " Catch Pole and all that follow his preaching shall goe to hell," etc. Sworn in court.

‡Joane (her mark) Veale deposed that Samuell Wilkins, hearing

§Autograph.

Joane Hibbert fined ten shillings upon her presentment, for saying that Liddea Grover and Mary Grover were the "veriest lyers att bass riuer & they were able to ly the deuill out of Hell." She confessed that she said it and that it was true.\*

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her say that she wanted a kettle, replied, "I haue bought soe much Iron and brasse as hath cost me Fiuie pounds and I will bring you one: afterward he came to me and said I must goe to Salem to a sermon therefore if you will lett me haue some money on next munday the kettle shall be brought in a Cart: I gaue him 4<sup>s</sup> in money on that condition: when he came againe I demanded the kettle he told me he was much troubled for ther was a man whose house was burnt and halfe the house was his in which house he had much money in a Chest either fiue or seaven pounds which was all lost; yet I was more troubled for the pore man then for my losse and haue giuen him some thing to help him and haue been geting a house for him and afterward I meett the minister who said Samuell I haue read of many and heard of many butt neuer knew any soe louing or mercyfull to the people of god alsoe he invited my husband and my selfe with many others to his father's house on the generall day of thankgiuing where he said we should haue bere that was seaven yeares old and that his Father had Fiuetene score peices of plate silver bowles and basins which she should see," etc. He spoke other words, which she thought could not be true. Emanuell (his mark) Clarke testified to the same.

\*Henry Herrick, jr., and Mary, wife of Zackory Herick, deposed that they heard Joane Hibbard say it.

John Godfree's bill of charges in William Holdridge's action, 1li. 3s. 4d.; in Mr. Joseph Juett's action, 1li. 4s.

"This 8<sup>th</sup> of June 1660

"We whose names are under written being called by the Counstable of Ipswich to be a Jury of Inquest to inquire how Daniell Warner the son of John Warner came by his death we do find by our searching and what euidence we heard that to our best light that we haue found is as followeth: Samuell Warner the son of John Warner being tapping a tree and a poule with meny snags on it standing up against the tree and daniell Warner being about the tree the arme of the tree falling downe droue the poale downe and hit him on the left side of the head and as we conceue on of the snags of the poale did breake his scull and a hoale on the side of his forhead wch we conceiue was his death. Theophilus Wilson, Daniell Warner, Thomas Louell, Samuell Bernum, John Caldwell, Robert Collens, Thomas Newman, John Edwards, Samuell Hunt, Daniell Ringe, John Ganes, Daniell Danison." This verdict was sworn to, June 11, 1660, before Daniel Denison.\*

"The names of the iury and their verdict upon the death and drowning of William Ellet the 14<sup>th</sup> of the 7 month 1660: William

Tho. Roots, constable, was allowed 2s. 6d. for whipping the wife of Anthony Needam.

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Dodge, Robert Hubbard, John Leech, Edmond Grouer, Zackary Herrick, Cornelius Baker, Osmond Trask, John Grouer, Joseph Harris, John Miller, Nicholas Decane, Isack Davis.

“We above named doe find and iudg that William Ellet upon our best serch and inquiry came by his death by aduenturing into a deep pond after a duck or ducks that had bin shott, the pond bein inviraned w<sup>th</sup> long weeds some about nine fathoms and both hands had weeds fast wrapt about them. He was drowned the day befor this date but found this morning.”

This verdict was sworn to, 5: 10: 1660, before Wm. Hathorne.\*

Writ: John Hathorne v. Theophilus Baylee; debt; dated, June 18, 1660; signed by Hillyard Veren,\* for the court; and served by Samuell Archard,\* marshal of Salem, by attachment of a cow.

Writ: Mr. Joseph Jewett v. Twiford West; for refusing to give security for land which he sold plaintiff; dated, June 19, 1660; signed by Robert Lord,\* for the court; and served by Robert Lord,\* marshal of Ipswich, by attachment of land about the house of defendant.

Writ: Mr. Joseph Jewett v. George Hadly; debt; dated, Apr. 4, 1660; signed by Richard Littlehale,\* for the court; and served by Robert Lord,\* marshal of Ipswich, by attachment of six acres of defendant's land, lying near Haverhill river, having the land of Mr. Joseph Jewitt on both sides.

Writ: Robert Barges v. Mr. Samuell Bennet; debt for about two years' diet for his son Elisha; dated, 20: 4: 1660; signed by William Longley,\* for the court; and served by Samuell Archard,\* marshal of Salem. Samuell Benett\* gave bond.

Writ: John Kindricke v. Peeter Coffin; for a debt he engaged to pay plaintiff, which was due by bond from his father, Tristram Coffin, to the said Kindrick as assignee of John Godfry; dated, June 4, 1660; signed by Robert Lord,\* for the court; and served by Robert Lord,\* marshal of Ipswich.

Writ: Symon Tompson v. Isaiah Wood; debt of seven pounds, which he stands engaged for him to Mr. Corwin of Salem; dated, Mar. 28, 1660; signed by Robert Lord,\* for the court; and served by Robert Lord,\* marshal, by attachment of twenty bushels of Indian corn in the barn, corn and a fitch of bacon in the dwelling house, one sow and three shoats in the yard and wheat and hay in the old barn.

Writ: Josiah Roots v. William Pitts; trespass in building a house upon plaintiff's land and digging clay without said Roots' knowledge or consent; dated, Apr. 2, 1660; signed by Hillyard

\*Autograph.

Veren,\* for the court; and served by Samuell Archarde,\* marshal of Salem.

Writ: Samuell Benett v. Robert Burges; debt; dated, June 20, 1660; signed by William Longley,\* for the court; and served by Samuell Archarde,\* marshal of Salem, by attachment of defendant's house.

Writ: William Trask, sr. v. Thomas Robbins; defamation, in saying that Susan, daughter of said Trask, ran after everybody and was common for everybody, etc.; dated, June 18, 1660; signed by Hillyard Veren,\* for the court; and served by Samuell Archarde,\* marshal of Salem.

Writ: Nathanyell Pickman, attorney of Peeter Paulfry v. Samuell Benett of Rumny marsh; debt of 3li. 5s. due for apple trees bought of plaintiff; dated, June 15, 1660; signed by Hillyard Veren,\* for the court; and served by Samuell Archarde,\* marshal, by attachment of defendant's orchard.

Writ: Mr. Jonathan Wade v. Isaiah Wood; debt; dated, 27: 1: 1660; signed by Robert Lord,\* for the court; and served by Theophilus Wilson,\* constable of Ipswich, by attachment of cattle.

Venire for Lynn trial jury men, dated, 23: 3: 1660, signed by Hillyard Veren,\* cleric, and served by Henry Rhodes,\* constable of Lynn, who returned the names of Henery Collins, sr., Goodman Farrer, Edward Richards, Mathew Farronton and Goodman Ramesden. Goodman Barterum and Johnathan Huchson were chosen constables.

Venire for Wenham trial jury men, dated, 30: 3: 1660, signed by Hillyard Veren,\* cleric, and served by John Dodge,\* constable of Wenham, who returned the name of John Feske.

Venire for Marblehead grand jury men, dated, 30: 3: 1660, signed by Hillyard Veren,\* cleric, and served by Joseph Dalaber,\* constable of Marblehead.

Treasurer's account was given in by Ed. Batter,\* 26: 4: 1660. Debtor To Thomas Putnam, 12s.; to Henry Skery, 16s. 6d.; to Tho. Newell of Lyne, for hew & Cryes, 12s.; to Chardges to Cary Quakers to Genll Court, May, 1659, 2li. 1s. 2d.; to Mr. Gidney for Comssionrs. expences, 4li. 5s. 1d.; to Tho. Rootes of Lyne for hue & Cryes, 7s. 4d.; to Samll. Corninge of Salem for hew & Crys, 6s.; to an oxe of Jno. Southwicks fine, lost, 5li.; to Land & house for Nich Phelps fine ready to be dd. to the Court, 9li. 6s. 6d.; to Joshua Buffham, fine not pd., 15s.; to Daniell & Puided Southwicke, their fines not pd., 10li.; to Thomas Bracket's fine Remited, 4li. 15s.; to Alister Grind & Jno. Smith not pd., 1li.; to what is due to me from Ipswich Court accounts, 15s. 4d.; to Joshua Turland to have Whartn to prison & for looking to Joshua Buffham at Mr. Gidney's, 5s.; to Samll. Archarde Salary in the yeare 57, 5li.; to Roger Hoskall for Chardge aboute Quakers & hew & Cryes, 8s.; to Constable Roads of Lyne for Chardge about Hue and Crys for

\*Autograph.



## COURT HELD AT IPSWICH, SEPT. 25, 1660.

Judges: Mr. Symon Brodstreet, Mr. Samuell Symonds, Major Genll. Denison and Mr. William Hubbard.

Grand jury: Edmond Bridges, John Dane, Ed. Lomas, Allen Perley, John Wiate, Jo. Addams, Daniell Peirce, Jo. Cheny, Hen. Lunt, Will. Stickny, Jo. Broclebanke, Jo. Person, Dan. Poore and Isaack Comings.

Jury of trials: Mr. Dan. Epps, Tho. Bishop, Jo. Denison, Will. Prichett, Jo. French, Lieft. Jo. Pyke, Jo. Merrill, Robert Addams, James Barker, John Tod, Will. Boynton and Tho. Dorman.

Upon an attachment served against this court, John Newmarsh appeared before Mr. Samuell Symonds and Major Genll. Denison, Sept. 24, 1660, and acknowledged judgment to Capt. Bryan Pendleton. Allowed by this court.

Quakers & others, 19s.; to Tho. Rex, for Caringe Lidea the Quaker to Boston, 6s. 4d.; to Tho. Barnes, for his horse heir, 1s. 6d.; to Mr. Roads of Lyne for 3 hue & Cryes, 8s.; total, 47li. 19s. 9d. Creditor: 28: 1: 1659, 48li. 11s. 4d. Rest due to County of Essex, 11s. 7d.

Bill of presentments, 26: 4: 1660, signed by Walter Price,\* in the name of the rest:—

Charls. Gott, Tho. Spooner, Tho. Antrum, Rich. Bushop, Fra. Scerrye, Nath. Puttnam and Wa. Price, jurors, nominated to make inquiry "of o<sup>r</sup> Brethren and Neibors concerning these severall psons whose Names are Underwritten whyther they Com to the publicke meeting to heare the word preached one the lords days: according law. Wee cannott find no<sup>r</sup> Understand that they doe at all Apeare there: as alsoe it is the Common fame that they doe totaly withdraw them selves: and therefore wee that are of this psent Jury: doe all agree to psent them to this psent Court: Viz:—" Mygell Shafflen, Phillip Veren, the wife of Josyas Sutheck, the wife of Richard Gardner and William Marston, confessed and were admonished; Ellisabeth, wife of John Kiching, for twenty days' absence; the wife of Robert Buffam, and the wife of John Sutheck, for twenty-six days' absence; the wife of Nicholas Phelps and Edward Wharton; Samuell Gaskin, for twenty-four days' absence; Daniell Sutheck, for forty days' absence. Summons served by Tho. Roots and Tho. Gouldthryte, constables of Salem.

Samuel Wilkisson of Lynn, for several gross and pernicious lies. Wit: Emanuell Clark and Joan Veale.

Jno. Pickworth, sr., and his sons, John, Samuell and Joseph, for a breach of the peace in fighting with Jno. Norman, sr., and John Norman, jr., Tho. Bushop and Norman's servant. Dismissed. Wit:

\*Autograph.

## Civil cases :—

Will. Edmonds v. Henrye Greene. For curing his daughter's leg, etc. Verdict for defendant. Joseph Armitage, plaintiff's attorney, appealed to next Court of Assistants. Withdrawn.\*

William Bennett and Tho. Millett, jurors. Summons given to constable of Manchester.

Letter addressed "For M<sup>r</sup> Heleyawrd Veren, Clark of the Write at Sallem :"

"M<sup>r</sup> Veren this is to sertyfie you that w<sup>c</sup> was mentioned in the warent you sent I haue indeaeured acourden ther unto to discouragh my selfe and theas p<sup>t</sup>ys underwriten are or may be expected to appeare being somons to cowrt by lauefull warening John Peckworth seinouer and his sonns Samuell and Joseph as for his son John he is not in this Plantion as allsoe John Norman and Thomas Bushep and [John Normans] his sarvant John Lawes, as for John Norman Juneyr he is in a voyedg to sea and for wittnes Willam Bennet as for Thomas Millet he is no inhabetent among us; and for a man to serue in the Grand Jureye o<sup>r</sup> Plantation hath made choyce of niclowes Venoen this is a tru returen p me

Sam. friend\*

"Cunstebell in Manchester."

"from Manhestr the 28 of nouember 1660."

Counter presentment brought by John Norman, etc.

Venire to constable of Manchester, signed by Hillyard Veren,† cleric.

Nathaniell Pattey, for absenting himself from meeting nearly all the year past. Wit: Rich. Stackhouse, Tho. Chubb and Avis Chubb. Summons to Benjamin Felton,† constable of Salem, 10: 9: 1660, who returned that said Pattry had gone to sea.

Thomas Choub and wife Anis testified that Nathaniell Patte wished that some good body would send the constable to take him to the meeting, for he had not been there for a twelfth month Patte was servant to Hew Woodberi.

Edward Winter, for being disguised with drink. Wit: Joseph Dolyver and John Cowman. Summons to constable of Marblehead.

John (his mark) Coman testified that coming to the house of Thomas Gray, he saw Raph Eares and Edward Winter so drunk that they could not go or speak as they used to do. Joseph Dalla-ber,† constable, deposed the same.

Edmund Nicholson, for being disguised with drink. Wit: Joseph Dollver and Mr. Francis Johnson.

\*Writ, dated, Sept. 18, 1660, signed by Will. Longley,† for the court, and served by Abraham Drake,† marshal of Hampton.

Copy of Hampton court record: In answer to the petition, the

†Autograph.

court respitted the fine and granted liberty to the petitioner to clear himself of the crime, etc. Copy made by Tho. Bradbury,\* rec.

Copy of Ipswich court record of Mar. 27, 1660, that William Edmonds acknowledged in court several times that there was no bargain with Henry Greene about the cure of his child. Copy made, 29: 1: 1660, by Robert Lord,† cleric.

Copy of Hampton court record, 4: 8: 1659: Whereas it appeared upon legal testimony that Henry Greene had told three lies and had dealt fraudulently with William Edmonds and his wife, concerning a cure which was to be performed for his daughter Mary, the court fined him four pounds, and ordered that the receipt given by said Edmonds to said Green be null. Copy made by Tho. Bradbury,\* rec.

Declaration of the plaintiff in the Hampton court: John Farnam, assignee of Will and Ann Edmonds v. Henry Greene. Said Green some years since had a daughter called Marie Green, sometime a patient under the hands of Mr. Starr, then of Charlsto. for the cure of a very dangerous sore leg, which daughter he brought to Ann Edwards to be cured. For the cure, he proffered a certain mare colt, which he then had, of his own mare's breed, valued then at nine pounds and afterward at fourteen pounds, at which time Green also promised satisfaction for his daughter's diet, in case she should not be cured, as testified by Capt. Tho. Marshal, Jo. Paul, Joseph Edmonds, Math. Price, John Edmonds, John Smith, Giles Fyfeild, Tho. Kimbol, Tho. Marston, Will. Molton and Christopher Palmer. Also they testified as to what some noted practitioners thought of the said cure, that is, Mr. Starr and Mr. Crossbey, and for all which great care, trouble and costs in curing the said sore leg, "which all skilled in chirurgery know is more difficult then other parts of the body, in sundry respects," the said Green had withheld satisfaction. Plaintiff asked for payment according to the true worth of the said cure, Ann Edmonds affirming that it took eleven months and the expense was over twenty pounds. And if the defendant pleads satisfaction made to Will. Edmonds, it may be said that whatever was done had been made null and void by Hampton court and the testimony of Ben. Kimboll, John Eaton and Joseph Hutchins.

William Edmonds,\* of Lynn, appointed his friend, Joseph Armitage, his attorney, on Sept. 24, 1660. Wit: George Emery\* and John Hathorne.\*

Henry Greene's bill of costs: Warrant for Mr. Crossby; for going to Swamscot; for Mr. Fiefeild of Charlsetowne, six days; for Thomas Kemball's deposition; and for taking out eleven coppies at Mr. Bradbury's at Salsbury, etc.; total, 3li. 2s. 4d.

Receipt of William Edmonds,\* to Henry Greene of Hamton, dated 14: 8: 1658, for a cow at four pounds, two shillings and six

\*Autograph.

pence, in full satisfaction for his daughter's diet from the first time she came until the last of March next. Wit: Edward Baker.\*

Receipt, signed by William Edmonds, given to Henry Greene for a mare colt, in full satisfaction for his daughter's leg. Wit: Joseph (his mark) Huchens. Said Edmonds acknowledged this acquittance in court. Copy made by Tho. Bradbury,\* recorder for Norfolk county.

Abrahame Grene, aged about sixteen years, and his brother, Iseke Grene, aged about fifteen years, deposed that Goodman Edmons of Lene came to their father's house the last spring and asked the latter for a colt. Their father told him there was no colt there for him, but finally brought out a colt that said Grene had bought of Mr. Stanle a quarter of a year before, and told Edmons he could have that for the expense about their sister's leg. But the colt ran away from them, and Grene said Edmons could have two cows instead. The latter refused, and finally took the said colt, etc. Sworn, 22: 1: 1659-60, before Tho. Wiggin.\*

Joseph Hutchens testified that when his father-in-law, Wm. Edmonds, went to get the colt which was due him for the cure of Henry Greene's child, which had been performed by deponent's mother Edmonds, deponent accompanied him. Greene's boy brought out a mare and colt, but Edmons claimed it was not the colt promised him. Green replied that he had been offered nine pounds for this colt a year and a half before, and that it was one that he had raised himself. Edmonds questioned it, but at last took it, and gave Greene an acquittance. The colt was very thin, small and lowsey and from appearance was not a year and a half old, etc. Sworn in Hampton court, 6: 8: 1659, before Tho. Bradbury,\* rec. Copy made by Tho. Bradbury,\* rec.

Matthew Price, aged about thirty-one years, deposed that being on a journey to Linne in Feb., 1657, he went into the house of William Edmonds and saw Henry Green's daughter, Mary, who had formerly been under the care of Mr. Tho. Starre of Charllestowne, physician, for the cure of a sore leg. Deponent marvelled at it, because he thought she had gone home with her father, and he asked why she stayed there. Edmond's wife told deponent that she was to be cured of her sore leg, and said deponent, upon looking at it, declared that it was in a better condition than when under Mr. Starre's treatment, although it was a very bad and desperate wound. About a year after, deponent saw Mary Greene again and her leg was nearly well, and Goodwife Edmonds showed him a bone of about five inches in length, which Mary said came out of her leg. There was very little soreness or pain in it, and she could leap about very lively, so that deponent rejoiced in the cure by Goodwife Edmonds, etc. Sworn, Apr. 24, 1660, before Richard Russell.\*

\*Autograph.

John Ilaly, aged about fifty years, deposed that the last of March or beginning of April, Henry Green sent for him to go to the ordinary at Sallsbeary to look at his girl's leg. Deponent and the woman of the house thought the child had a running sore, etc. Sworn at Hampton court, 6 : 8 : 1659, before Tho. Bradbury,\* rec.

Binjemin Kimball, aged about twenty-four years, deposed that Willi. Edmond brought a mare colt to deponent and asked him to keep it for him, etc. Sworn in Ipswich court, 27 : 1 : 1660, before Robert Lord,\* clerk.

Giles Fifield deposed that Mary Greene was able to go up and down the house, wash dishes and sweep, when she was at his house in Charlestowne under treatment of Mr. Star, and he saw her at Edmonds' walking up and down the house. Also that deponent was with Goodman Greene and his child when they left Goodman Edmonds' house, and the child said her leg was sore, etc. Sworn, Sept. 26, 1660, before Daniel Denison.\*

Anthony Stanyan deposed about selling a colt to Henari Grene of Hamton for six pounds. The colt was large for her age and strong, etc. Sworn, 22 : 1 : 1659, before Tho. Wiggin.\*

John Smith of Nubury, deposed on Mar. 27, 1660, that he was a boarder at the house of William Edmonds of Linn, when Green's child was brought there and that Goodwife Edmonds was to be paid for the cure and for diet; that Henry Green came after thirteen weeks to see the child, etc. Sworn in Ipswich court, 27 : 1 : 1660, before Robert Lord,\* clerk.

Jno. Edmonds deposed that Green brought his child to deponent's father's house about the beginning of winter of 1657, and agreed to pay a cow for her diet since Green did not have money; that his mother said to leave the child a fortnight or three weeks and she would see what she could do, etc. Sworn, 1 : 8 : 1659, before Tho. Bradbury,† comr. Copy made by Tho. Bradbury,\* rec.

Joseph Edmans, aged about seventeen years, testified as to the condition of the child when she came to his father's house and to the great care his mother gave her; that it was three persons' work oftentimes to dress the wound and she could not eat ordinary diet, etc.

John Stanyan, aged about eighteen years, testified as to bringing up the colt for Goodman Greane, which the latter had bought of his father, etc. Sworn, 22 : 1 : 1659-60, before Tho. Wiggin.\*

Tho. Kimball, aged about twenty-six years, deposed about the bargain concerning the colt; also that the colt Green promised to Edmonds, he had sold to Jno. Redman, in whose possession it was about six weeks since. Sworn in Hampton court, 6 : 8 : 1659, before Tho. Bradbury,\* rec. Copy made by Tho. Bradbury,\* rec.

Anthony Crosbie, aged about twenty-three years, testified that he heard Goody Edmonds say that Henery Grene's daughter's illness was the King's evil and she had cured it. Afterward, said

\*Autograph.

Greene brought the girl to Rowley and requested deponent to look at the leg, and according to deponent's best skill he thought that the bone was not sufficiently scaled. Sworn in Ipswich court, 27 : 1 : 1660.

John Paul, aged about thirty-two years, testified that Marie Greene showed him the bone, which came out of the fore part of the leg, and it was hollow at one end, etc. Sworn, 24 : 2 : 1660, before Richard Russell.\*

Bridgid Huggins, aged about forty-four years, testified that being desired by Goodwife Green to look at her child's leg, she found it very much swollen, red and raw and not much better than when she went to the Bay. This was about a week after the child's return. Sworn in Hampton court, 6 : 8 : 1659, before Tho. Bradbury,\* rec.

Robert Lord, aged fifty-seven years, deposed that the wife of William Edmonds of Lyn affirmed, at Ipswich court in March last, that she had taken out a piece of the child's shin bone. Upon being further questioned, she said it was the marrow bone. Tho. Kimbal also testified the same. Sworn, July 30, 1660, before Daniel Denison.\*

Henrie Greene,\* aged about forty years, affirmed that he never told William Edmonds that the colt he had of deponent was the colt of his own mare nor that it was the colt promised Goodwife Edmonds, etc.

Giles Fifeild testified that the bone lay bare when Henry Green took his child from Charlstowne, and a month after as deponent was going to Lyn, he stopped at Edmons' house to see his cousin, Mary Greene. Goody Edmons said she hoped to have the child at home in six weeks. The flesh was grown about one quarter of an inch upon the bone. When deponent returned to Charlstowne, he told Mr. Starr about the condition of the child's leg, and said Starr replied that he would eat a firebrand if she cured it. Later deponent's Uncle Greene told him that he was to give his mare's colt for the cure, etc. Sworn in Hampton court, 6 : 8 : 1659. Copy made by Tho. Bradbury,\* rec.

John Redman, aged about forty-two years, deposed that he was at Will. Edmonds' house, in the year 1658, with Abraham Drake, etc.

Sarah Jenkins, aged about forty-three years, testified as to the care Goodwife Edmonds had given the child. Further deponent heard Dr. Crosby say he would not have done it for less than fifty pounds. Sworn, 24 : 2 : 1660, before Richard Russell.\*

Thomas Marshall\* of Lynn testified, 27 : 1 : 1660, to seeing Mr. Starr dress the child's leg at Charlstowne, etc.

Richard Ormsby, aged fifty-two years, testified that Wm. Edmons of Lyn took a colt to Salisbury, the April before, with a mare. The colt was so feeble that he was afraid to carry it over

\*Autograph.

Mrs. Eliner Hooke, widow of Mr. William Hooke v. George Keazer. For her dower or third part of seventy acres of salt

the ferry or to send it back to Green, and Benjamin Kimball was persuaded to take care of it until it grew stronger. Later Mr. Stanian came to Salisbury and deponent entreated him to see this colt, which he declared to be the same colt that Henry Green bought of him. Sworn in Hampton court, 5 : 8 : 1659. Copy made by Tho. Bradbury,\* rec.

Jno. Eaton, aged about forty years, deposed that two years since he bought a brown mare colt of Henry Green for nine pounds in cattle, and after about six weeks, said Green, riding by deponent's house, agreed to take it again. Later at the ordinary at Salisbury, deponent saw the colt that Edmonds had of Henry Green, and it was not the same colt, etc. Sworn in Hampton court, 6 : 8 : 1659. Copy made by Tho. Bradbury,\* rec.

Thomas Marston, Joseph Hutchins and Abraham Drak deposed. Sworn in Hampton court, 6 : 8 : 1659. Copy made by Tho. Bradbury,\* rec.

William Moulton testified that when he was selectman in 1658, Goodman Green told him not to rate his colt for it was Edmons' colt and he was keeping it for him. Deponent replied that it was in said Green's hands and the latter must pay the rate, etc. Sworn in Hampton court, 6 : 8 : 1659. Copy made by Tho. Bradbury,\* rec.

Benjamin Kimball, aged about twenty-three years, deposed that the colt was not the one that came of Green's mare, etc. Sworn in Hampton court, 6 : 8 : 1659. Copy made by Tho. Bradbury,\* rec.

Christopher Palmer deposed that he had some conversation with Henry Green about buying his colt, but when the bargain was partially made, said Green told him that he was but jesting, for the colt belonged to Goodman Edmans, etc. Sworn in Hampton court, 6 : 8 : 1659. Copy made by Tho. Bradbury,\* rec.

Sarah Ormsbe deposed that Henry Green came into their house with his daughter, about the beginning of last April, and showed the leg to Goodman Insale. There was a plaster on it, etc. Sworn in Hampton court, 5 : 8 : 1659, before Tho. Bradbury,\* rec.

Thomas Kimball deposed that Edmunds told Green, at the latter's house, that the child could be taken home, for her leg was well, except that her shin was a little broken against a pot side, etc. Sworn, July 30, 1660, before Daniel Denison.\*

Curnellus, Mr. Stanyan's man, aged about fifty years, deposed that he saw the colt that Henry Greene had of his master, on the Sabbath day before said Green sold it, and the colt was well and lusty, etc. Sworn, 22 : 1 : 1659-60, before Tho. Wiggin.\*

\*Autograph.

marsh or meadow, in possession of her late husband, and sold by him to said Kezer for a small amount. Withdrawn.\*

Rich. Coy, attorney to Samuell Heifer v. Mr. Ezekieall Chever. Trespass. For taking and keeping possession of a house which was left in plaintiff's hands. Verdict for defendant. Appealed to next Court of Assistants. Joseph Armitage and John Leigh bound for said Coy's appearance.†

Robert Tuck testified that the child's leg was no better than when she went away from his wife's, etc. Sworn in Hampton court, before Tho. Bradbury, † rec.

\*Writ, dated, Sept. 15, 1660, signed by William Longley, † for the court, and served by William Bartram, † constable of Lyn, by attachment of house, lot and outhouses of defendant.

†Writ, dated, Sept. 20, 1660, signed by Robert Lord, † for the court, and served by Robert Lord, † marshal, by attachment of a barn full of hay, four stacks of hay and an acre of land, of defendant.

Samuel Heyford, † of Ipswich, on Dec. 20, 1651, appointed Richard Coy of Ipswich, his attorney, to settle all differences between himself and Mr. Bartholmu, and if necessary to answer in court, etc.; also to let or sell said Heyford's house. Wit: Theo. Salter † and Mathy. (her mark) Coy. Acknowledged upon oath, by Martha Coy, May 25, 1660, before Daniel Denison. †

"Lo: Cosne. S<sup>r</sup>

"Respects p<sup>re</sup>sented. thes certifye conserneing w<sup>t</sup> you wrott that I doe remember Good Coy Sould the Houce for twenti fiew poundes but it being so longe Since passages are out of minde so fare as at p<sup>re</sup>snt I cannot be free to mak Oath

"Y<sup>r</sup> Loueing Freind

"22<sup>th</sup> 7 1660.

W<sup>m</sup> Paine. †"

Robert Payne deposed that, having given sixty pounds toward the purchase of a house and land for the setting up of a free school in the town of Ipswich, and considering the most convenient place for such use, the house and land now in controversy was the place decided upon. It being for sale, deponent desired Mr. William Payne to treat with Richard Coye about the price, and the latter agreed to take twenty-five pounds, which sum deponent paid according to order. Sworn in Ipswich court, Sept. 25, 1660, before Robert Lord, † cleric.

Ezekiel Cheever † testified that he was in possession of the house belonging to the school, now in controversy, in the beginning of the summer, 1652, which may be evidenced by the records of his marriage, Nov. 18, following, and the birth of his first child, besides abundant testimony of neighbors.

†Autograph.



Henry Bartholmew v. Frances Urselton. Debt. Withdrawn.

John Person v. Mr. Rich. Dumer. For a legal conveyance of the half part of Rowley corn mill and land, lately sold to the said Person by defendant, and for legal security or, in want thereof, for what damage plaintiff had sustained. Special verdict, and court found for the defendant.\*

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John Paine deposed that demanding a debt of Richard Coy, in behalf of his father, Mr. Robert Paine, of about five or six shillings, said Coy told deponent that there was as much due to him on the payment for the schoolhouse. Coy further told deponent that he had sold the house that was Sammuell Hefford's, but to whom deponent did not remember, and that Coy had called upon deponent's father to get writings made concerning the schoolhouse, but he had as yet neglected it. Sworn in Ipswich court, Sept. 25, 1660, before Robert Lord,† clerk.

William Bartholmew testified that some days before Samuell Heifer's going to England, deponent attached said Heifer's estate for a debt, which to his best remembrance was the house in question. Afterwards, deponent met him in Wenham and Heifer said he had left an attorney, Richard Coy, to settle all matters, etc. Some time later, Coy paid ten pounds to deponent and appointed the latter to pay six pounds to George Hadley, which deponent accordingly received, etc. Sworn in Ipswich court, Sept. 25, 1660, before Robert Lord,† clerk.

\*Copy of Salem court record: June 26, 1660, John Pearson of Rowly acknowledged judgment of 150li. 12s. to Mr. Richard Dumer of Newberye. Copy made by Hillyard Veren,† clericus.

Writ, dated, Sept. 13, 1660, signed by Robert Lord,† for the court, and served by the marshal of Ipswich.

Jury agreed upon a special verdict. They found that Mr. Dumer had sold the half mill and lands to John Pearson, with two cow commons, and that he was bound to secure said Pearson from Mrs. Nelson and the other heirs during the term of her life, etc.

Copy of will of Thomas Nelson, made Sept. 24, 1660, by Robert Lord,† clerk.

Bill of sale, dated, 1: 5: 1654, from Ric. Dumer† of Newberye, gent., executor of the estate of Thomas Nelson, deceased, to John Person of Rowley, carpenter, for 100li., one-half of the corn mill at Rowley, with one-half of all material and appurtenances, as ropes, crows, sleggs, mill bills, chisels and tubs; also one-half of the land adjoining, bounded as follows, forty-three acres, of which seven acres were meadow, lying between the land of Rowley, being their ox pasture, on the southeast, common land of Rowley on the south-

†Autograph.

‡Autograph and seal.

Elizabeth Archer, attorney to her husband, Henry Archer v. Cor-pall. John Andrews. Debt.\*

west and otherwise bounded by a salt creek which comes out of Newbery river to the said mill; also one-half of three acres joining upon the said mill-river toward the south, otherwise surrounded with common ground belonging to Rowley, with one-half of the rights and privileges to said ground. Wit: Joseph Jowett† and Willm. Howard.† Acknowledged, June 25, 1663, before Daniel Denison.† Recorded by Robert Lord,† in records for Essex at Ipswich, Book 2, folios 161 and 162.

Bond of Ric. Dumer† to John Person of Rowley, dated, 1: 5: 1654, for 200li., said Dumer agreeing to procure acquittance from Mrs. Nelson, then in England, of all her interest in Thomas Nelson's estate, and to secure said Person against all claims upon Nelson's estate, etc. Wit: Joseph Jowett† and Willm. Howard.†

Willm. Howard deposed that about five years before, he was requested to go to Mr. Richard Dumer's house, where he met Mr. Joseph Juitt, of Rowley, and another of the sametown, who had much conversation concerning buying one-half of the mill; that Dumer guaranteed them against all claims from the Nelson estate and writings to that effect were drawn up, but the name of the purchaser, deponent had forgotten, etc. Sworn, 13: 3: 1659, before Jo. Endecott, Govr.,† and Samuel Symonds.†

Joseph Jewett testified to being with Mr. Richard Dummer and John Pearson when the bargain was made and hearing the former agree to procure an acquittance from Mrs. Nelson, etc. Sworn, Sept. 25, 1660, in Ipswich court.

John Pickerd deposed that about four years before in conversation with Mr. Richard Dumer, said Dumer called John Pearson and said "the bargain I made with Richard Longhorn and John Pickerd concerning the land I sold them of Mr. Nelson's farme is come to nought and will not stand for the Court — not allow me to sell it. Therefore you and I must come to some new agreement." Pearson was willing to come to any agreement whereby Mr. Dumes might be freed from any snare, so long as it were not to his own loss, etc. Sworn, June 25, 1660, before Daniel Denison.†

William Stickney and James Baily deposed that about a year ago, they heard John Pearson offer Mr. Richard Dumer all his pay for the mill, if said Dumer would make good his title. Said Dumer replied either that he could not or "how can I," whereupon Pearson told him that he might give his own land for security, etc. Sworn, June 25, 1660, before Daniel Denison.†

\*Paid to Goodman Archer, for expences for himself and wife before the wente: In beefe, 1562 pounds, 17li. 2s. 6d.; for going to Concord for Goodman Stow, 2li. 10s.; carried to Goodman Laiton's,

†Autograph.

‡Autograph and seal.

Gyles Barga and John Jackson v. Thomas Harvya. Defamation. Withdrawn.

Rich. Coy had his license renewed to keep an ordinary at Wenham and to draw wine and liquors.

Georg Dymond, upon complaint of Mary Calaly, for attempted assault, was ordered to be severely whipped or to pay a fine of four pounds.\*

21 bush. of wheat, 4li. 14s. 6d.; 2 bush. of wheate, 9s.; 44 bush. and halfe of wheate to Goodman Laiton's, 9li. 18s.; 1 bush. and halfe of wheate by Tom Clarke, 6s. 9d.; to Mr. Chute, 1li. 10s.; to Goodman Wiate, 2 bush. of wheate, 9s.; 2 : 4 : 1657, to Sargent Clarke, 10s.; 2 : 4 : 1657, to Captaine Gearsh, 3s. 6d.; 2 : 8 : 1657, for putting in 2 sells in the leantoo, 6s. 6d.; 24 : 8 : 1657, for making the way and doors in the seller, 1li. 8s. 5d.; 3 : 10 : 1657, to Richard Kimball, 10s.; 19 : 12 : 1657, to Goodman Duch, 5s.; 20 : 12 : 1657, to Goodman Waineright, 16s. 8d.; 24 : 8 : 1657, 24 bush. of wheate and 15 bus. of wheat, 8li. 15s. 6d.; 23 : 12 : 1657, to Zeciell Rogers, 2s. 6d.; to Brother Hovy, 2s. 6d.; to Mr. Wade, 4li. 4s. 6d.; to Ned Allin, 4s.; to Mr. Paddashall, —; to Goodman Waineright, for the freight of the 24 bushells of wheat, 8s.; total, 53li. 13s. 10d.; by pay for her passage, 6li. 7s. 6d.; John Andrews is debtr. to Mr. Archer for three shotts and a cow, 2li. 10s.

Bond of John Andrewes† of Ipswich to Henry Archer of Ipswich, dated, Sept. 23, 1656, for the payment of a debt of 160li., in wheat and barley. Wit: Robert Crosset and Robert Lord.†

\*Letter addressed "To the Hon<sup>d</sup> Court at Ipswich be these delivred :

"Hon<sup>d</sup> Gen<sup>t</sup> I haue sent unto you George Dimon, the cause, his examination & espetially the Testimonye & psons will make apeare, whom I haue bound to psecute against him, my business is such that I cannot well atend the Court, pray hold me excused, who thought my occasions are many, yet if I had not heard the Court had been full, I should haue forced my selfe who am yours in all servis  
" Y<sup>r</sup> servant

"Salem : 24 : 7ber 1660.

W<sup>m</sup> Hathorne.†

"I haue also sent a deed w<sup>ch</sup> will be of use in a case of George Keasers, wch. I doe intreat the Maj<sup>r</sup> Gen<sup>l</sup> to keepe safe."

Edward Read testified that he saw Georg Dymon go into Thomas Caly's house "half an hour within night," etc. Sworn, 24 : 7 : 1660, before Wm. Hathorne.†

Margret Reade, wife of Edward Read, testified that she heard an outcry and she and Goodman Parmiter went out and found Thomas Caly's wife a little beyond the house, etc. Sworn, 24 : 7 : 1660, before Wm. Hathorne.†

†Autograph.

Mr. Edward Woodman, Capt. William Gerish and Lieft. John Pike were sworn commissioners to end small causes for Newbury.

John Jackson, sr., was fined for attempting to assault his maid and for filthy speeches.\*

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Thomas White testified that he heard Thomas Caly's wife cry out, etc. Sworn, 24 : 7 : 1660, before Wm. Hathorne.†

The examination of George Diman, 24 : 7 : 1660, by Wm. Hathorne :† It was proved that he called at Pmiter's, went to Craley's and got Craley's wife to direct him in his way, which he said he was not able to find, and that he attempted to abuse her ; Diman denied all, and said Hathorne gave him over to the constable, having no security. Thomas Craley bound in five pounds for his wife's appearance at Ipswich court, 25 : 7 : 1660, to prosecute against said Dimon.

Benjamin Palmiter testified that George Diamond went to his house the last Saturday night after it was night and inquired for one Lott Connant. Deponent told him he was not there and desired said Diamond to go home, for it was not a convenient time to be abroad. A little while after, "I heard my daughter crye out with A greuious crye, Father, Father at which I Run out and this Diamond Ran away and my daughter tould me that he would haue abased her." Sworn, 24 : 7 : 1660, before Wm. Hathorne.†

Thomas Caly deposed that Gorge Diment came to his father-in-law's, Benjamen Pamata's house, and asked to light a pipe of tobacco. Deponent said it was too late, it would be dark, and so he went away. Upon hearing cries, his father said "Run he that can run fastist," and deponent ran and came first to his own house, where the light was burning. He looked for his wife, but she was not there, so he ran out and made a whoop three times, and at last heard his wife screech. When he came to her she could not speak, and he shook her, and asking what the matter was, she replied that Gorge Diment had assaulted her, etc. Sworn in Ipswich court, Sept. 25, 1660, before Robert Lord,† clerk.

Marie Crally deposed that Georg Dimon came to her house for Lot Connent, saying that her father said he might be there. He asked her to show him the way, as it was dark, and she, supposing he was an honest man, went with him and as she turned to go back, he assaulted her. When he heard the dogs bark and her husband calling, he ran away, etc. Sworn in Ipswich court, 25 : 7 : 1660, before Robert Lord,† clerk.

†John Jackson's statement, dated, 21 : 4 : 1660 : "I did rise out of my bed and lookd out of my windoe and saw the sonn was up almost an houre hie as I use to looke out every morning to see what weather it is and how the tide is and as I went to my bed

†Autograph.

Nicolas Philips, bringing in Henry Phelps, according to bond, and upon proclamation made, none appearing to prosecute against

again I said to my selfe is not this maid up yet and I went to the bed side and shooke her by the shoulder and asked whether it were not time to rise and goe about my buisnes for there was a great deale of worke to doe and I went to my bed againe and for that she say I would ly with her I did never offer to abuse her in my life but I haue cald her out of her bed seuerall times before and for that shee reports of me shee haue done me abundance of wrong in defaming my name."

Bond of \*John Jackson, in the sum of five pounds, to appear before Samuel Symonds\* on next lecture day come five weeks, in Ipswich, to further answer the matter of attempt of uncleanness with his servant, Mary Somes; dated, July 2, 1660; sureties, Robert Ellwell and William Vincent. He appeared on July 26, 1660, and was held in the same amount for the next Ipswich court; sureties, Anthony Day and the wife of William Vincent, the latter in place of her husband.

Bill of charges of Jno. Pearce, constable, 2li. 19s. 10d. For John Hayman, Ester Elwell, Grace Duch, Susana Jackson and Ruth Joans, witnesses; for taking up John Jackson upon suspicion of fornication and for taking up Mary Soams, 2s.; and for going to Mr. Simonses with John Jackson and Mary Soams, 2s.

"Gloster this 6: of the 7<sup>mo</sup> 1660.

"Wee whose handes are heare under writtenn doe Testifie that our nabor John Jackson sener hath liued in our Towne Seuenne yeare or thereabout & behaued himselfe in Good order see fare as wee cann or could see & liued onestly witness our hands:" William Stevens,\* Siluester Eueleigh,\* Anthony (his mark) Day, Thomas Millett, senior,\* Thomas Riggs,\* Thomas (his mark) Uere, Isaac Wakly,\* John Coit,\* Thomas (his mark) Prince, William (his mark) Vinsone, Thomas (his mark) Jones, sener, Thomas Millet, junior,\* Edmund Clarke,\* George Blake,\* Samuell Kent,\* James (his mark) Babson, John (his mark) Collens, Osmone (his mark) Duch, Robbert (his mark) Elwell, Thomas (his mark) Braye, John (his mark) Briers, John Davis,\* Richard Beford,\* Richard Windowe,\* John (his mark) Kittel, Willi. Seargant\* and Georg (his mark) Parson.\*

Morris Somes\* certified that "by reson that it hath pleased god to strike mee with blindnes that I cannot come to the Court, I doe set John Pearse of Gloster in my steede to speake in my Case concerning my daughter."

Antony Day, aged about thirty-six years, testified that, being at work at Goodman Jackson's house, he heard Goody Jackson bid Marey Somes do her work; that the maid's dame being abroad,

\*Autograph.

him, was freed of his bond, and Henry Phelps was freed of his bond of good behavior.

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she idled and meddled with his work so much that he told her to go into the lot and help her poor old master, and she said, "let thay send thir dafter Suesan." She also said to her dame, when told to do her work, "Doe it youer selfe," and said the same to her master, when he bade her go and bring up some wood out of the kenowe. Grace, wife of Osmund Duch, aged about fifty years, testified June 29, 1660, that John Haymans said that there was a very sad thing done that morning, that old Jaxson had assaulted his maid, that the maid cried out and made a doleful noise. Deponent went to the house and found the maid crying, wishing herself dead, and young Goody Jaxson told what had happened. The latter heard the cries and awakened her sister, who lay beside her. The maid came running down stairs and said it had happened several times before, etc.

Sara Vinson, aged about forty years, testified that Marie Somes said she wished to go away from the Jackson's house, and would use all means to do so, for "the deuill would not liue with them," etc. Sworn, 17: 7: 1660, before Samuel Symonds.\*

Susanna Jacson, deposed, 29: 4: 1660, that she called the maid as soon as it was light, when feeding her child, and she answered. Mary Somes told her that the old man tried to kiss her and she bit his nose, etc. Sworn, July 26, 1660, before Samuel Symonds.\*

Zacheas Curtis testified that one time at John Jackson's house, he heard the latter's wife tell her maid to bring a pail of water and to wash her dishes, but the maid said she would not. Whereupon, the dame gave her "a nick upon y<sup>e</sup> arm," and the maid cried out and spoke bad language, until Jackson's wife told her to hold her tongue. Goody Jackson then gave her a blow with the back of her hand, etc.

Susana Jackson, aged about twenty-one years, deposed.

John Jackson, jr., aged about thirty years, deposed as to the language used by Mary Somes, when he lived in his father's house, etc.

Susan Jackson further deposed, 29: 4: 1660, that the next night, the maid lay on a chest in deponent's room, saying she was afraid to go to bed in her own chamber, etc.

Ruth Jones testified, July 1, 1660, that when the maid came out of her chamber, deponent's sister, Susana Jackson, asked her what the matter was, etc. The maid said the same thing had happened three times before, etc. Sworn, 27: 5: 1660, before Samuel Symonds.\*

Mary Somes deposed that John Jackson had offered her uncleanness four times, when her dame was abroad, etc. Sworn in Ipswich court, 25: 7: 1660, before Robert Lord,\* clerk.

\*Autograph.

Henry Phelps bound to appear at next Salem court to answer to a complaint about ill-usage of his son or any other matter concerning the keeping in the house with his brother's wife.

In the case of William Harker v. George Keasar, concerning taking up and marking a mare, the civil part was settled by the worshipful Mr. Symonds, and in the criminal part, he was fined five pounds.\*

Grace Duch and Hester Elwell deposed that they heard old Jackson say in Samuell Elwell's house the next day, after he was arrested, etc. Sworn in Ipswich court, Sept. 25 and 26, 1660, before Robert Lord, † clerk.

\*Warrant to the constable of Lyn, dated, 6: 6: 1660, for George Kesar of Lyn, upon complaint of William Harker of Lyn, for felony, in taking away his mare from the common and keeping her as his own, and signed by Simon Bradstreete. †

Warrant, dated, Sept. 22, 1660, for said Kesar's appearance at the next Ipswich court and, signed by Simon Bradstreete. † William Bartrum, constable, appointed John Hathorne, his deputy. †

William Ivorye † assigned his interest in a mare, which William Prichard gave him, to Georg Kesar, on 26: 2: 1648. Wit: Christopher Collins † and William (his mark) Smith.

Willhem Harker's † complaint, taken 6: 6: 1660, by Simon Bradstreete: † That about a month since, George Kesar of Lyn took up a roan mare of said Harker's, about five years old, branded her, earmarked her and later put her into a remote place in Rumney marsh. Kesar pretended that she came of a mare that he bought twelve years since, which mare he never had in his possession or saw her after he bought her, but deponent had been informed she had been sent to Barbadoes before the said Kesar bought her, etc.

Judgment by Samuel Symonds, † 15: 6: 1660: That there was not a sufficient charge against George Keasar, and inasmuch as William Harker testified before many witnesses that he was sorry, court ordered that the case be ended, and Keasar to pay fifty shillings for charges.

Samuel Whiting † of Lyn, certified, 7: 24: 1660, that Willyam Harker confessed in his hearing that George Keasar went to him and inquired of him about his mare before he marked her.

William Ivorye's † receipt, 22: 10: 1648, to George Kesar, for forty shillings, in part payment for a mare which said Kesar bought of William Ivorye for three pounds.

William Harker's bill of charges, 2li. 5s. 4d. His damages were double what the court allowed. They included the want of his mare one month, having constant use every day for her; for time

†Autograph.

‡This sentence is crossed out.

Mall Indian, being brought into court by John Hathorne and Edward Richards, sureties, the court ordered that she return to her master, John Bishop.\*

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spent in seeking the mare that month by himself and friends; for three men going from his house to Rumley Marsh, eight miles, to get the mare; three journeys of himself and horse to Andever, etc.

Joseph Armitage testified that about eight or nine years since, he, being at the eastward, was informed that there was a company of mares about Pentucket that ran wild in the woods and someone said that one Browne of Lyn village had lost a mare or mares and had agreed with William Robinson and Thomas Veale to seek for them, and that they were to have one half for their labor. Also that Goodman Keysar came to "our house" and agreed with these two young men to seek a mare of his.

Thomas (his mark) Veale testified, Aug. 10, 1660, that Goodman Armitage informed him about the mares running wild about Haverhill, and deponent and William Robinson went to seek them; that before they started, George Keysar gave them ten shillings in money to seek a mare of his that was William Pritchet's.

Ann Crofte† testified, Sept. 19, 1660, that about thirteen years since, William Prichard, having damnified a parcel of salt which her husband, Ivery, put on board said Prichard's boat at Boston, was arrested by her husband, Prichard being then bound for Barbadoes. Said Prichard, complying with her husband about the damage of the salt, told the latter that he had a mare that used to go about Capt. Bridges' ground, and deponent's husband should have her, if he never came back. About a year after, Prichard being reported dead at Barbadoes, deponent's husband sold his interest in her to Keaser, for three pounds. But when the mare could not be found, the matter pressed upon said Ivery's conscience so that he abated twenty shillings of the three pounds, etc.

Henry Collins, John Lewis and Robert Ingolls testified that the place where they found Will. Harker's mare was such that they were forced to leave their horses on account of trees and go on foot to take the mare. Sworn in Ipswich court.

\*John Hathorne† and Edward (his mark) Richards bound, Aug. 23, 1660, for the appearance of the Indian called Mall, at next Ipswich court, to answer John Bishop's charge against her. Wit: Daniell Salmon† and Will. Bartrum.† Sworn before Simon Bradstreet.†

"To the Honored Court at Ipswich—

"first the law is undeniable that the indian may haue the same distribusion of Justice with our selues: ther is as I humbly con-seiue not the same argument as amongst the negroes for the light of the gossell is a begineing to appeare amongst them—that is the indians.

†Autograph.



Ezekiell Northend bound in 100li. for the payment of a legacy to his son-in-law, Joseph Baylye, according to order of the General Court. Said Northend came into court and passed over to

"secondly she is but about (as she sayes) sixteen years of age & her mother (whoever she is) did neuer know of this her child's coming hether: I should thinke it a hard measure to haue the same don to any child of mine: by our law here established.

"thirdly the indian is extremely discontent to liue with John bishop now ther is some reson for it: for she was so when she came first to my house: beside the testimony in court doeth not witness from her mouth (which if they did it is nothing for she is to be at her parents disposing) but by an interpreter now the witness cannot say that he did report her words unto them or ther words true to her and it is denied that: that indian harry had ought to doe with this indian besid they knew not this indian's name which doubt[t]les she would haue don if she had consented. humbly desiering that your worships would not forse her to liue ther seing they say she came but upon likeing, now that she should liue fure yeare upon liking has not comon sence in it; beside she doeth deny any such thing: The sayd hary much commooton her & John bishop tow she desiered me to spake som thing for her in this cause: your Honors servant:

"Jn<sup>o</sup> Hathorne."\*

John Bishop's bill of charges, 2li. 10s.

The Indian's bill of costs, 1li. 1s.

Henry Jaquish deposed that when travelling to Boston, he found John Bishop's squaw by the highway and took her to the ordinary man of Lin, Mr. Haighhorne. Deponent promised that he should be paid for the time she was with him, and sent word to her master, whom he supposed would be there the next day, etc. Sworn in Ipswich court, Sept. 25, 1660, before Robert Lord,\* cleric.

John Bond deposed that he was with John Bishop when he went to Mr. Haighhorn's house to get his squaw. When they went in, she went to her master and stood at his elbow, seemingly very willing to go with him. A little maid in the house whispered to her, and the squaw went away into another house and was unwilling after that to go near her master.

Jo. Judkin and John Bond deposed that Joseph Armentage and Edmund Richards attempted to prevent Bishop from taking the squaw, saying that they were freemen of the town and he should not have her. Also that said Armentage put one hand in the waistband of his breeches, and said if he had John Bond in yonder marsh he would deal with him with one hand.

Benjamin Swett and Nathaniell Weare deposed that, being at Nantukett Iland last May, at the house of Thomas Macy, there

\*Autograph.

Joseph Bayley a parcel of land in the village land, containing three hundred acres, and also twelve acres of meadow at the same place valued at 51li. ; said Ezekiell gave the other 10li. freely to his said son-in-law, which was in full of the said legacy, etc.

Joseph Bayly chose Ezekiell Northend, his father-in-law, as his guardian, and the court accepted him.

Richard Swan acknowledged his error in a testimony he gave at the Court of Assistants. Court withdrew its sentence of making him incapable of jury duty, etc.

Daniell Blake fined 5li. for making love to the daughter of Edmond Bridges, without consent of her parents. Execution respitted.\*

being about ten or twelve Indians at the house, one of them, called Mr. Harry, asked Goodman Bishop, who was also there, if he would have a squaw live with him. Said Bishop replied "Let me see her;" and when the Indian had shown the squaw, he said he would, if she would live with him ten years. The Indians went "out a door two or three times," consulting together, and at length she consented to go for five years. If, however, she liked, she would stay the other five; if not, she was to have liberty to return to her own country. When the agreement was made, deponent asked the Indian called Mr. Harry, the chief speaker, if he sold the squaw, and he answered that she was willing to live with the English and asked him to make the bargain for her. Sworn in Ipswich court, Sept. 25, 1660, before Robert Lord,† cleric.

\*The examination of Daniel Black and Faith Bridges, concerning his notorious evil carriage: First, said Black confessed that contrary to the mind of her father, he stayed with her in her father's house late upon the last day of June, 1660, when the family were in bed, it being about ten o'clock when Edmund Bridges went to bed that night. Second, that having taken William Danford from his master Pritchett's work, to go with him to Rowly, they carried a bottle of wine to the house of Edmund Deere in Ipswich; and being there, he employed the said William as his messenger and instrument to draw the said young wench to him at Deere's house, from her father's house, her father and mother being absent from home; that she stayed at Deere's house half an hour, when Deere and his wife were not at home.

Edmund Bridges bound for his daughter's appearance.

William Danford said that Daniel Black said to him that he could "beteame to stabb him" because he stayed so long, and this was after the wench was come to him at Deere's house.

†Autograph.

William Danford fined 10s. for his offence.

Evan Morice was fined 40s. and ordered to prison for drunkenness, quarrelling and railing speeches.\*

Daniell Clarke was sentenced as follows: For selling half a pint of liquor to the Indians, to pay a fine of 20s.; for provoking speeches, 10s.; and for selling liquors without a license, imprisonment during the pleasure of the court; and for disorders in his house, was prohibited from keeping an ordinary any longer.†

Danford was bound to appear at next Ipswich court in this case. Sureties: William Vselton and John Marshall.

" Gudm Bridges I pray let me be remembered to you and let me intrete your leniti toward Daniell blak or giue or produs bond for him rather then imprison him I would haue Cam my self but my ocasions will not let me he is like to loes his korn if he li by it and if you and he do take up so much of the matter as you can Conuenientli which he is willing to doe it may do well on both parties  
" Yours Daniell Clark."‡

Warrant, dated, 4 : 5 : 1660, to the constables of Ipswich, Rowly and Toppesfeild for the arrest of Daniel Black and William, an Irish man servant of William Pritchett; also to summon John Brewer, Obidiah Bridges and the wife of Edmund Deere, as witnesses; signed by Samuel Symonds.‡

\*Francis Ussleton and Edmund Bridges deposed that Evan Morrice provoked them by railing speeches, such as calling them cheating rogues, baud-birds Bridewell birds, etc.

†Frauncea Uselton's complaint against Daniell Clark, dated Sept. 3, 1660: For selling strong liquors and wine without a license and charging excessive prices for same, for selling liquors to Indians, for breach of the peace, for neglect of his duties in his office of constable and for disorder in his house.

Summons to Thomas Wase, Edmond Bredges and Anthony Carell, as witnesses, dated, Sept. 24, 1660 and signed by John Redington,‡ for the court.

Edmond Bridges, jr., deposed that, being at Daniell Clarke's to attend a town meeting, and the town affairs being concluded, he and some others called for a cup of liquors for their refreshment. When they asked for a reckoning, a contest arose between Daniell Clarke and his servant, Evin Morris, about the amount. Said Morris interrupted and contradicted his master with opprobrious language, giving him the lie and further ratifying his abusing deportment by holding up his hand against him. Deponent, fearing the issue of so hot a contention, pushed Evin back, but the latter being overcome with drink, fell upon the ground, and after recov-

‡Autograph.

ering his legs, laid violent hands upon deponent, buffeting him with as good courage as his cups and manhood would permit. Francis Ursleton was a spectator, who tried by argument and persuasion to prevent Evin Morris from committing such misdemeanors, but the latter affronted him, also. Daniel Clark also laid violent hands on Francis Ursleton, dragging him by his neckcloth and calling him cheating rogue, etc., and claiming that deponent and Ursleton had contrived to satisfy their account due upon his book by some such way as Ursleton paid him for breaking up his land. He also called them cowards, and challenged them to the field, saying, "Come Ursleton lett us goe behind ye hill & I will try a touch with thee." Ursleton replied that it was time to stand upon his guard and took said Clark by the neckcloth for his personal security, whereupon Clark asked deponent and William Smith to aid him in taking said Ursleton to the stocks. Ursleton refused to go without his hat, but having procured it, the constable refused to see to the prosecution of this charge, etc.

Francis Ussleton and Edmun Bridges deposed that Daniel Clarke owned to both of them that he had no license to sell either wine or liquors; also that he had sold to John Indian eight shillings' worth of liquors and three meals of victuals, etc. Sworn in Ipswich court, 25: 7: 1660, before Robert Lord,\* clerk.

Sarah Ussleton deposed that, being at Daniell Clark's the night of the trouble, notwithstanding the condition of Morice, Goodwife Clarke let him have three gills more of liquor and, she thought, one pint of wine. Then said Morice raged and called deponent and his dame vile names, and said he would kill Isaac Ong and deponent. Clarke took no notice, but told his wife she had made him drunk. Sworn in court.

Thomas Wasse, Anthony Carill, John How, Frances Ursellton, Daniell Black and Edmond Bridges testified that they saw Indians drink and buy liquors in Clark's house. Sworn in court.

Isack Ong deposed that after the trouble, he being at Clarke's house that night, Even Moris went to bed and later came down in his shirt. At the request of Goode Clarck, he tried to persuade Moris to go back to bed, but he refused, saying he would not stay with such rogues, etc. Sworn in court.

Edmond Bridges and Danill Blake deposed that when they were at Danill Clark's about reaping time with Bridges' brother Obedyah, John Crumill and John McShane, they spent seven shillings, of which John Crommill paid four shillings, eight pence, in money, and said Bridges paid seven groats; they also paid for one pint of wine. Danile Blake paid for one pint of liquor. Cromille wished to go home, but Clark persuaded the company to stay, and for one who did not like liquor, Clark said he would send to Ipswich for some sack, etc. Sworn in Ipswich court, Sept. 25, 1660, before Robert Lord,\* clerk.

\*Autograph.

Edmond Bridges, of Topsfield, and Frances Urselton were fined and sent to prison for quarreling, not submitting to the constable and abusing him in his own house.\*

Edmund Bridges deposed that Francis Ussleton, being employed by worshipfull Mr. Simons to serve a warrant upon Daniell Clarke and Even Morrice, said Clarke broke forth into violent speech, calling said Ussleton rogue and bidding him depart his house or he would crack his crown; and this before he had time to legally serve the warrant.

Thomas Wasse deposed that being resident at Daniel Clarke's house about a month, he saw no disorder in the house by intemperate drinking and told all to be prudent and cautious; that he had further heard him tell Even Morris not to call for any liquors to drink with any that came to his house but rather to deny the acceptance of "pledging his guesse" that he might the better avoid disorder and superfluous expenses; that Clarke knew his constitution to be such that a little drink would overcome him and "exasperate his sperit." John Baker,† William Smyth† and Francis Bates† testified the same.

John Baker, jr., deposed that he came by accident to Daniell Clark's, when Urselton and Bridges were there with a warrant for said Clark. They showed it to deponent, but snatched it away from him when they saw said Clark's wife approaching. They told said Clark that they had it, but would not let him see it, only hear some part of it. Clark departed out of the house, but immediately returned and asked for provisions, which his wife refused him. He replied that such rascals should not have them, requiring pay for what was already due, and adding he had "layd downe the ordinary."

\*"To the honnred Cortt

"with dew respectes as your worships are the fatheres of the land and home is here agused in som part Justly and in som part not justly: as will apeare upone the searching into mattars: do acknilege that it is mattar of blame unto me in this mattars so far as i do and shall acknowledg and accordingly as is or shall be legeoly proued against me: therfor I hope your wourchippes will considare me as hath all Redy bene acknoleged by them: selfe danile clarke and as I shall plainly make apeare to the Iyese of y<sup>e</sup> worlde that I hath bene noe unresonabell mane in way of expences but I hath bene very diligent in my labour sences I came to topsfelde in my trade: a[n]d do beseach The praires of this honnrd cortt to god for me as i hops I haue founde the Beneffit of all redy: that god would Be plesed to make me conchonabell in my life in my dealing both in respect of attendans to the calls of the contry and in my trade: which i do desiar to be sarvisaball in to improue

†Autograph.

Frances Ursselton fined for swearing the second time, and for taking tobacco in the street on the Lord's day.

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my talent which god hath put in my hand lik wise I do dessoune taking part with goodman Usilton in any respect of euill but the ocastione of my coming hether was by a sumans of francis Usilton : to geife euedences in this case therfor I hope the honnred cortt will considare my earnest and sears expreshons a[n]d all in way of humbleing of my selfe in what i am found a delinquant in :

“Edmond Bridgs.”\*

Goodwife Bates deposed that “hearing at my house a great noise And Good<sup>m</sup> Useltons tounge in the noise, and knowing that my Husband was gone to Goodm Clarks for a pitcher of small beere, I feared Uselton had or would mischeife my husband in Useltons quarrelsome humor, And I came to the house In all the haste I could make, And when I came I heard Goodwife Clarke cry out O my Husband, And uselton had him by the throat, & nubled him under the throat and abused him like a dogg, and also in wordes very badly, And railed one Goodwife Clarke : saying shée was a deuelish woman, And the diuell was in her and would haue her, And they would not obey but Refused to obey the authority of the Constable, the more he comanded the peace the more they Reuiled him and Refused to depart the house : and said the house was theirs, And after the constable had gott Evin Morris from them, And shut him from them in a parlor they broke open the doore twice, to quarrell as I thinke with Evin Morris so that Good<sup>m</sup> Clarke was very hardly put to it to keepe the peace, for Edmond Bridges threw Euin Morris twice against the ground like a dogg,” etc. The quarrel lasted three hours and all that time Goodman Clarke gave them no ill language. Sworn in Ipswich court, Sept. 25, 1660, before Robert Lord,\* clerk.

Edmund Bridges testified that what Daniel Clarke accused Goodman Ussleton of, namely, laying hands on him, was done after said Clarke had challenged the field of him and after he had made William Smith his deputy ; further that Clarke said that Ussleton would not depart the house without more drink, which consisted of small household beer, etc.

William Smith deposed that Ussleton threw Morris upon the ground, holding him by the throat, etc. Also, that Goodman Clark did not challenge Bridges, but told them that they were unmanly fellows to meddle with such a poor fellow, not being ignorant of his weakness and extreme passion, and tried to rid the house of them. Sworn in Ipswich court, Sept. 25, 1660, before Robert Lord,\* clerk.

Matthew Stanley deposed that he was asked by Goodman Clarke to help pacify them, but he knew that he was not able and so refused ; also, that said Clarke used no unmeet language, etc. Sworn in court.

\*Autograph.

Jugg, Capt. White's negro, upon her presentment for fornication, was sentenced to be whipped.

Frances Urselton and his wife were admonished for leaving their children alone in the night in a lonely house, far from neighbors, after having been warned of it. He was to be punished, if any danger came from it.

Whereas there was a return made of a laying out of a way from the north end of Rowley town to Rowley mill and so on to Richard Thurrell's bridge, as the trees were marked, and so on through the farms of Edmond More and Robert Adams, to Trotter's bridge as the trees were, and so on to the meeting-house of Newbury, as Andover way was laid out, and some Newbury people appearing at this court and claiming that there was yet a nearer and more convenient way, it was ordered that the four men previously appointed meet with the Newbury men, view the way mentioned and report to the next Ipswich court, etc.\*

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Francis Baker deposed that Morris' mouth was very much swollen and bled. He heard Goodwife Clarke cry out, fearing that her husband would be killed. They desired deponent to help quell the disturbance, but he could do nothing on account of a lame hand, etc. Sworn in court.

\*" According to that which our Towne propounded unto the honoured Court Sept. 1660 of a neerer and a more Convenient way then that by Rowley mill and by Richard Tharlayes, wee do here againe p'sent what was then propounded. And according to the Courts order do make report unto this honoured Court, and wee hope that Ipswich men cannot but acknowledg it is a better way and more Leuell then the other, & wee haue measured both, and find it to bee three quarters of a mile neerer wanting but 12 Rods being impartially measured and wee do thus describe this way from Rowley through their ox pasture Runing ouer a parsell of meadow being about 50 Rods unto Rowly Mill riuer with a bridge ouer the Riuer which may cost about ten pounds by M<sup>r</sup> Phillips meadow and then through the necke, being very little more then halfe a mile unto the Riuer which is the falls Riuer ouer another bridge, and so running ouer another parsell of meadow about 55 Rods and so through the upland being Edmund Moores pasture and so to the old way by Robert Adams house and ouer Newbury Mill bridge | by y<sup>e</sup> meeting house | and going this way wee shall escape 5 or 6 little bridges which of necessity there will bee in the other way with that 84 Rods of marsh which is by Richard Tharlayes bridg withall the un-euen ground in the necke betweene the two Riuers which is intolerable for a way for the country in our account, And wee do thinke

Isaiah Wood was released of his bond, no one appearing to prosecute.

John Leigh was released of his bond.

John Pindar fined 5li. for cutting a mare. Part of the fine respitted.\*

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if the Country did know the difference of these two wayes they would willingly be at some charge for the neerest, and it may bee wee may yeild to be at some charge if this way may be attained, but wee cannot bee willing to be at any charge for the other, if we can any way auoyd it, for wee do know the charge will extraordinary, and wee conceiue the Euenest dryest and neerest is most fittest for the country way both for Cart horse and man.

“Concerning what was done at Rowly.

“Goodman Peirson brought a writeing unto us to Newbury to haue us sett our hands unto, but we all three refused so to do, because wee could not owne some things which was written intending to discourse together about it.

“And for the first measureing of the way wee do say it was un-equally done.”

Thomas Burnum† of Ipswich testified that being desired by some of his Rowley neighbors to view the way asked for by Newbury, and Rowley men being desirous of having the way a little higher near Thuril's house, he reported the difference in cost as follows: “In the lower plase which newbery men desier the way In two creeks the least I compare with that where thurils bridge stood and the biggest creek is as I remember eaght Rods over at low watter and a great part of it very deep and very bad In the bottom: In so much that were ther a nesesity of a brige ther and I to buld any considerable share of it and to warant the standing of it any considerable time I should Rather pay my share to the brig after the Rate of 300 hundred pounds: then to labor In the bulding of it and stand bound for a brige ther after the sam Rate.”

\*Samuell Graves, aged about thirty-eight years, testified that John Pinder, jr., told him and one of his children that he wished deponent's house and all he had would burn, and that his father wished so too. Deponent found a match lying near the groundsel of his barn with the burned end touching the hay, and he had often told said Pinder of his naughty tricks and he would reply “You lye, Graves.” Deponent had also heard him go along the street muttering and threatening his children, hogs and fowls, saying that he would knock them in the head. Said Graves had several fowls knocked in the head, lying in Pinder's yard, his pigs wounded and a shoat of three quarters old stabbed with a pitchfork. Deponent had often told Pinder's father of his tricks,

†Autograph.



Henry Bachelour fined 5li. for absence from meeting on twenty Lord's days.

Theophilus Willson was allowed 51s.

Will of Humphry Reynour was proved, and inventory received.

George Bonfield bound in 57s. for the release of Georg Dymond from prison.

Five shillings were ordered to be given to the house.

COURT HELD AT SALEM, 27 : 9 : 1660.

Judges : Worshipfull Mr. Symond Bradstreete, Mr. Samll. Symonds, Major Generall Danyell Denison ; Asosiat, Major William Hathorne.

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but he would not believe it, and also had heard him use the devil in his mouth often times ; deponent's wife had heard him speak profanely and take God's name in vain in such words as were not fit to be spoken. Sworn in court, 14 : 7 : 1660, before Robert Lord,\* cleric.

Samuell V—— deposed that John Pindar repeated to him what Thomas Wilson would testify against him, and denied that he said what Wilson claimed. Pinder told him that he did say if Tho. Wilsones mare was in the place where the other was, he could cut her, etc. Sworn in Ipswich court, 27 : 1 : 1660, before Robert Lord,\* clerk.

Thomas Jones complained against Elnor Jackson for calling him names, and his children "bastards and tallafast quene and Tinckers trull and Puncke and stue ;" also for fighting and pulling him by the hair of the head, and when he reproved her for swearing, sho told him he lied. She further told him to get out of her house and when he did so, she gave him a box on the ear. Ruth Jones and Mary Somes testified to the substance of the foregoing. Sworn, July 26, 1660, before Samuel Symonds.\*

William (his mark) Vinsonn deposed, 24 : 5 : 1660, at Gloster, that whereas he understood that Goodman Jones intended to complain against Goodie Jackson for some offences, he talked with the parties and found that said Jackson was willing to give satisfaction. But said Jones would not accept it, unless she would go and acknowledge what he laid to her charge publicly on the Lord's day in the meeting house. The discourse occurred in Goodie Jackson's house, and deponent testified that, as far as he could learn, Goodman Jones was more at fault than she. Deponent's wife was able to testify as much or more.

John —— deposed that he added the figures and the amount was thirty pounds, which was due from Whittacre to John Godfry, etc.

\*Autograph.

Grand jury: Nathanl. Felton, Henry Skerry, Henry Herrick, John Neale, Samll. Ebborne, John Deacon, John Devorix, Nicho. Vinson, Phineas Fisk, Hugh Burt, Mr. Thadeus Redding, Mr. Adam Haukes, William Meriam and Mr. William Steevens.

Jury of trials: Mr. John Gardner, Thomas Putnam, Elias Mason, Isaack Williams, Thomas Robbins, Richard Hutten, Ensigne Fuller, Mr. John Hathorne, Robert Burges, Allen Bread, jr., Theophilus Bayle and James Stevens; and Jon. West upon Jon. Hathorn's action.

Civil cases:—

Mr. Edmond Batter v. Frances Usslton. Debt. Verdict for plaintiff. The defendant being not in this jurisdiction, judgment respitted.\*

Mr. John Payne v. Frances Usselton. Debt. Verdict for plaintiff. Judgment respitted.†

John Godfery v. Thomas Perry. Debt. Plaintiff took his oath in court that he left a summons with the defendant eight days before the court.‡

\*Writ: Mr. Edmond Batter v. Frances Usslton of Topsfield; debt; dated, Oct. 11, 1660; signed by Hillyard Veren,§ for the court; and served by Tho. Rix,§ whom Samuel Archer,§ marshal of Salem, appointed as his deputy, by attachment of the house and land of defendant in Topsfeild.

Jno. Godfery, aged about forty years, testified that, having discourse with Franc. Urslington about the land he lived upon in Topsfield, which was mortgaged to said Godfery, he acknowledged that he owed Mr. Batter about twenty pounds. This was sometime the latter end of the last summer. Sworn in court, 27: 9: 1660, before Hillyard Veren,§ cleric.

Ed. Batter's bill of charges, 1li. 16s.

†Writ: Mr. Robert or John Paine of Ipswich v. Francis Usselton; debt; dated, 17: 9: 1660; signed by Daniel Denison,§ for the court; and served by Robert Lord,§ marshal of Ipswich, by attachment of house and land.

Bond of Francis (his mark) Urselton of Topsfild to Mr. Robert Paine or John Paine, his son, dated, Feb. 28, 1659-60, for five pounds to be paid in beef, pork or wheat, on Oct. 28, 1660, at the dwelling house of said Robert Paine. Wit: Robert Payne, jr.,§ and Elisabeth Payne.§ Sworn by the witnesses, 9: 26: 1660, before Daniel Denison.§

‡John Godfry's bill of costs, 1li. 8s.

§Autograph.

John Codner v. John Northy. For swearing he would turn his boat adrift, which, if he should, would be to the plaintiff's undoing. Withdrawn.\*

Mr. John Croad, formerly known by the name of John Hughson v. Mr. Tho. Brattle, Will. Bartholmew and Antipas Boyce, the attorneys of the trustees of the estate of Mr. Peeter Cole, late of London, and Richard Cooke and Walter Price, trustees to Mr. Tho. Broughton. Two cases. Debt of 500li., and another of 2000li. For several disbursements in the management of the said estate, according to an attachment, dated, 13: 9: 1660.†

Roger Hauscall, attorney of Eunice Porter v. Osman Trask. For said Eunice's dowry, which was one-third part of houses and lands sold to the said Osman by her husband, Jonathan Porter, with all due damages according to attachment, dated, 22: 9: 1660. Verdict for plaintiff.‡

\*Writ: John Codnor v. John Northy; for swearing that he would turn plaintiff's boat adrift; dated, 22: 9: 1660; signed by Francis Johnson,§ for the court; and served by Joseph Dallabar,§ constable of Marblehead.

†Writ: Mr. John Croad, formerly known by the name of John Hughson v. Estate formerly belonging to Mr. Peeter Cole of London, deceased, and Mr. Thomas Broughton of Boston, merchants, and now in the hands of Thomas Brattle, William Bartholmew and Antipas Boyce, trustees in London of said Peeter Cole, and Richard Cooke and Walter Price, trustees of the said Thomas Broughton; debt of 2000li. and another of 500li.; dated, 13: 9: 1660; signed by Hillyard Veren,§ for the court; and served by Tristram Coffin,§ whom Samuell Archard,§ marshal, appointed his deputy, by attachment of one-half of a saw mill in Pucattaque river at Quamphegon, on Dover side, with the logs, boards, etc., their interest in a saw mill on Kitterie side at Quamphegon, together with all lands and fallen timber at Sturgon creek, and the warehouse at Doctor's Island in Puscattaque river.

‡Christopher Waller deposed that going to the house of Jonathan Porter, he asked Eunice, wife of Jonathan, if they had sold their house and land to Osmand Traske and she said they had, etc.

Edmond Grover deposed that he was a near neighbor to Jonathan Porter, and Eunice Porter manifested more willingness to sell than did her husband.

Roger Conant testified that he wrote the agreement between said Porter and Trask, and they were deliberating three hours, during

§Autograph.

Roger Hascall, as attorney for widow Eunice Porter, gave bond for payment of charges in the foregoing action.

Cornelius Waldoe v. Frances Usselton. For assaulting him upon the highway, putting him in fear and saying he had stolen his hogs, pretending he was the constable's deputy and had a special warrant, according to attachment, dated, 9 : 8 : 1660. Verdict for plaintiff.\*

all of which time Porter's wife was present and furthered the sale. Not a word or syllable passed her mouth concerning her thirds.

Ellin, wife of John Stone, sr., testified that she talked with Eunice Porter about the sale and she said nothing about her thirds, etc.

The foregoing depositions sworn in court, before Hillyard Veren, † cleric.

Eunice (her mark) Porter, † widow of Jonathan Porter of Huntington, on Long Island, on June 19, 1660, appointed Roger Haskoll of Salem her attorney. Attested by Jonas Wood † and Thomas Bennydict, † magistrates, and Thomas Skidmore, † notary.

John King testified that he brought the letter of attorney from Eunice Porter of Long Island to Roger Hascall in Salem. Sworn in court, 27 : 9 : 1660, before Hillard Veren, † cleric.

Bill of charges, 17s. 3d.

Writ, dated, Nov. 22, 1660, signed by Tho. Fiske, † for the court, and served by Edward Bishop, † constable of Bass river. Bond of Osmond (his mark) Trask. Wit : Roger Conant † and Edward Byshop. †

\*Writ, dated Oct. 9, 1660, signed by Robert Lord, † for the court, and served by Robert Lord, † marshal.

Francis (his mark) Ursselton's bond to Cornelius Waldo, dated, Oct. 10, 1660, for appearance at next Salem court.

Cornelius Waldo's bill of costs, 6s. 6d.

Nath. Putman was attorney to Francis Ursselton.

Robert Day † and Theophilus Wilson, † constables of Ipeswig, testified, 26 : 9 : 1660, that they did not make Frances Usselton of Topsfeild their deputy to take Corneales Woldo.

Robert Punell, aged about twenty years, deposed that being at Daniell Warner's house on Oct. 8, he heard Mr. Waldo cry out for help about midnight. Deponent ran out with others, and he heard Frances Ursselton say that he had taken Mr. Waldo prisoner, that he apprehended him for a thief because he had stolen his sow and pigs and sold them in the town. Mr. Waldo bade him go for the constable, and Ursselton replied that he had a special warrant for

† Autograph.

† Seal.

Joseph Armitage v. Tho. Looke. Debt. For wheeling in 900 cords of wood. The defendant, being called three times, forfeited his bond for appearance to the value of thirty pounds.\*

Mr. Philip Cromwell v. Mr. John Ruck. For 20li. damage. In not giving possession of a parcel of land called a farm, to said Cromwell, by deed of sale. Verdict for plaintiff. Appealed to the Court of Assistants. Mr. John Ruck and Thomas Robbins bound for said Ruck's appearance.†

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him. Deponent further testified that when he first came out of the house, he saw said Ursselton hold Mr. Waldo's horse by the bridle, and when the latter went away to go home, he ran after said Waldo and caught him by the leg. Sworn, 26 : 9 : 1660, before Daniel Denison.‡

Samuell Lord, aged about twenty years, deposed that Mr. Waldo desired of Goodman Warner, on the night of the trouble, if he could have a room in his house, for he was afraid to venture with Ursselton, but a while after, Mr. Waldo said he would go home, and Ursselton said he would go with him. Waldo rode away toward the river, followed by Ursselton, and called out for help, turning his horse toward the bridge. Sworn, 26 : 9 : 1660, before Daniel Denison.‡

Daniell Warner, jr., deposed that being up late in his father's house, somebody called, and he and many others who were present went out and found Mr. Waldo, etc. Usselton refused to read the warrant before deponent's father. Sworn, 26 : 9 : 1660, before Daniel Denison.‡

\*Writ, dated, 17 : 9 : 1660, signed by William Longley,‡ for the court, and served by Jonathan Hudson,‡ constable of Line, by attachment of 90li. in the hands of Mr. Oliver Purchas.

†Writ, dated, 21 : 9 : 1660, signed by Hillyard Veren,‡ for the court, and served by Samuell Archarde,‡ marshal of Salem.

Philip Cromwell's demand in the action against John Rucke : Damage for not having my bargain, 20li. ; for damage in repaying of 14li. back unto Rich. Hollinworth in takeing of oussenbridge in the rome of silver and other good goods, 3li. ; charges at Salem court, 2li. 7s. 7d. ; charges at Boston court to John Rucke, 2li., etc.

Writ : Mr. Phillip Cromwell v. Mr. John Ruck ; for withholding possession of one hundred acres bought of plaintiff ; dated, Apr. 2, 1660 ; signed by Hilliard Veren for the court ; and served by Samll. Archard, marshal, by attachment of said land. Copy made by Hillyard Veren,‡ cleric.

Copy of verdict in the foregoing case, in Salem court, 26 : 4 : 1660, made by Hillyard Veren,‡ cleric.

‡Autograph.

John Hathorne, assignee of Richard Waite v. George Halsell. For forfeiture of a bond for non-appearance at a commissioner's court held at Salem, being legally summoned. Verdict for plaintiff.\*

William Story v. Edward Bragg. For withholding one parcel of his land without any right, it being part of the farm which plaintiff bought of Henry Archer.

The wife of Gabrill Skinner fined, upon her presentment, for being disguised with drink and being found in a very unseemly manner. She confessed.†

Mr. William Norton, attorney of Mr. Emanuell Downing v. Phillip Fowler and Mary, his wife, executrix of the estate of her late husband, George Norton. Debt. For rent which was due from her late husband, and herself, while she was a widow. Nonsuited.‡

Copy of depositions of Richard Hucheson, Thomas Hale, Thomas Cromwell, Thomas Barnes, Joseph Hucheson and John Putnam, given into Salem court, 26: 4: 1660, made by Hillyard Veren,§ cleric.

\*Writ: John Hawthorn v. Georg Halsell, for appearance at next commissioner's court in Salem; dated, 20: 5: 1660; signed by Jonath. Negus,§ for the court; and served by Rich. Wayte,§ marshall of Suffolk. George Halsell's§ bond, dated, 20: 5: 1660. On 13: 9: 1660, Rich. Wayte§ assigned this bond to John Hawthorn.

John Hathorn's bill of cost, amounting to 1li. 1s. 8d., was allowed by the court as part of the bond of 9li. that was forfeited. Attested by Hilliard Veren,§ cleric.

Writ: John Hawthorn, assignee of Richard Waite v. Georg Halsall; forfeiture of a bond of nine pounds; dated, 13: 9: 1660; signed by Jonath. Negus,§ for the court; and served by Rich. Wayte,§ marshal, by attachment of a great gun belonging to defendant.

Copy of the record of the meeting of the commissioners of Salem, 6: 6: 1660, when the bond was declared forfeited, made by Edmond Batter,§ commissioners' clerk.

†Marblehead presentment. Wit: Timothy Lang, Jno. Northey and Thomas Bowing. Summons, dated, 10: 9: 1660, served by Joseph Dallaber,§ constable of Marblehead.

Venire to constable of Marblehead, 10: 9: 1660, signed by Hilliard Veren,§ cleric.

‡Writ, dated, Nov. 22, 1660, signed by Robert Lord,§ for the court, and served by Robert Lord,§ marshal of Ipswich.

§Autograph.

Mr. Cornelius Waldoe was ordered to have charges in the action of Frances Usselton against him, the latter not appearing to prosecute.\*

Arthur Sandy's license was renewed for one year.

William Nick sworn constable of Marbleheade and Jon. Folland, constable of Wenham, for the year ensuing.

John Andrewes v. Robert Skinner. Debt.†

Mr. George Corwin was appointed administrator of the estates of Roger Tucker, Walter Butcher and Thomas Smith, all deceased, and ordered to bring in inventories to the next Salem court.

Robert Skinner acknowledged judgment to Mr. John Hathorne.

Frances Usselton forfeited his bond for non-appearance in his case against Cornelius Waldoe.

Roger Preston was allowed to keep an ordinary and to sell strong liquors for the entertainment of strangers the ensuing year.

Edward Bishop, constable of Salem, was allowed a bill of 13s. in Georg Dimon's case, said Dimon to pay it.

Rauph Ayres fined, upon his presentment, for being disguised with drink. He confessed and Mr. George Corwin promised to pay the fine.‡

Mr. Danyell Epps sworn freeman.

William Perkins, aged between nineteen and twenty years, Tobias Perkins, aged about fourteen years, and Elizabeth Perkins, aged about seventeen years, all children of Mr. William Perkins of Topsfeild, chose their father to be their guardian, and the court allowed it.

\*Francis Usselton complained that Cornelius Waldo had taken a sow of his and killed her, and disposed of eight pigs of his without his knowledge or order. Usselton claimed he bought them of said Waldo. Both were bound to the next Salem court. Copy of record of the court of Oct. 9, 1660, made on Nov. 26, 1660, by Daniel Denison.§

†"This wittneseth that I Robert Skiner haue sold to John Andrewes of Ipswich six barells of makerell which is now at the Cape or at annisquam to be deliuered to John Andrewes or his asings by mathy Coe : at 20 shillings per barrell which is six pounds, this 26<sup>th</sup> 8 month 1657 by me." Robert (his mark) Skiner. Wit: Henry (his mark) Pinder and Edward (his mark) Hikkooks.

Robert Skiner's charges, 1li. 11s. 6d.

‡Ralph Heires, of Marblehead, presented. Wit: Joseph Dollyver and John Cowman.

§Autograph.

Court ordered the clerk to summon parties mentioned in a case brought into last Salem court by Lyn persons, to appear at the next Salem court, together with witnesses.

Elizabeth Nicholson was appointed administratrix of the estate of her late husband, Edmond Nicholson, deceased. An inventory\* was brought in, amounting to 150li., and debts, 54li. 4s., which were allowed. Court ordered the estate to be divided as follows: To Christopher, Joseph, Samuell, John, Thomas and Elizabeth, all of the children, ten pounds each, when they reach the age of twenty-one years or are married with their mother's consent; if more debts were brought in, such debts were to be paid before these portions were divided, and if any of the children died, his portion was to be divided among the surviving children.

Eunice, widow of Jonathan Porter, having by her attorney, Roger Hascall, commenced suit against Osman Trask, for the recovery of her thirds in some housing and land that her said husband formerly sold to said Osmand Trask, and having received judgment in her favor, the court appointed Major William Hathorne, William Dodg and Jeffry Massy, commissioners, to bound out her thirds, now in said Trask's possession.

John Peerce, constable of Gloster, fined for professing that he

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\*Inventory of the estate of Edmond Nicolson of Marblehead, deceased, taken 22: 9: 1660, by Moses Mavericke, William Nicke and John Legg: Dwelling house, with outhouses and land, 55li.; a Boat fit to goe to Sea with her moreing and Canoe and other Coardage, 56li. 15s.; One Cow with the Hay, 5li.; one Bed with Bolster, Pillowes, Rug and Blanketts, 3li.; 9 yards of Ticking, 1li. 10s.; sheetts and pillobers, 1li. 3s. 6d.; a peice of white kersie, 1li. 2s.; wearing apparell, 3li. 17s.; 2 Ruggs, 3li. 5s.; 2 pr. of Blanketts, 2li. 10s.; one Bolster and 2 Pillowes, 1li. 18s.; one chest and Box, 10s.; one fowling piece and 3 axes, 1li. 7s.; one sword, 5s.; one Iron pott, 2 Iron kettles, 1li. 5s.; 3 Brasse Kettles and 2 Scilletts, 2li. 18s.; pewter, 1li. 2s.; earthern ware, wooden and Lattin ware, 1li. 9s.; 3 wheeles, 10s.; Lome, sleies, wheele, with Barrle and other Lumber, 3li. 19s.; an old Road with two Bedsteeds, 1li. 15s.; total, 150li. Sworn to by Elizabeth Nicolson, the widow, 28: 9: 1660, before Hilliard Veren, † cleric. There were debts to several persons, amounting to 54li. 4s. The children were Christopher, aged twenty-two years, Joseph, aged twenty years, Samuell, aged sixteen years, John, aged fourteen years, Elizabeth, aged eleven years, and Thomas, aged seven years.

†Autograph.



would not serve a warrant that came to him from Major Generall Denison, and for speaking reproachfully concerning him, as appeared by several testimonies.\*

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\*Warrant to the constable of Gloucester, dated, Oct. 3, 1660, to return Mary Soames, John Jackson's maid servant, to her master, said constable having, without warrant, taken her away from his service, and, if she refused, to bring her before Daniel Denison; † also to notify Goodman Jackson to appear to make good his claim.

"Right worshipfull these few lines may let you Understand that I delivered your warrant to the constable and I herd nothing from him untill he served an attachment upon me and then he told me that he would not looke after the maide neither bring her except I would pay him for it then William Vinson said you could fech away the maid without a warrant and cannot you bring her againe and he answered he would doe it if it were to doing againe and if he might not be uphelded they might take the stafe againe if they would: and the constable sayth he cannot find the maide but we heare the maid is in towne since he had the warrant so hauing no more to to trouble your worship doe rest your obliged

"John Jackson, senior. †

"from Gloster the 11 of october 1660."

John Emerson † and William Browne † testified that there had been a solemn and serious complaint made to them by divers neighbors of John Jackson, sr., concerning the ill-behavior of said Jackson toward his maid, Mary Somes, who said they feared that as soon as Goodwife Jackson heard that the maid had made a complaint against her husband, she would either murder the maid or inflict a deadly wound. And "the sayd persons also having told us that they had now discharged their consciences & that they could not be at quiet till they had told us for fear of what would follow & now they left it wholly with us. Upon this serious Complaynt & information we could not but out of conscience informe the Constable John Peirce & leave it with him to take some speedy course for the prevention of any such mischeife and moreover we told him that if any such mischief did follow through the neglect of any speedy course that hee might take before the sayd Goodw: Jacks[on] came to heare of her mayds Complaynt against her Husband we had now discharged our consciences and thought it would wholly lye upon himselfe."

John Jackson, jr., aged about thirty years, deposed that when John Pearce went into his house two or three days after he had the first warrant, deponent asked him why he did not prosecute and take up the maid according to his oath, and he replied that he would not make nor meddle nor look after her. Then deponent asked him whether it were not a special warrant, and he said what

†Autograph.

Whereas there was housing and land in the town of Wenham leased out for several years to come to Richd. Coy of said town,

did he care for that. "Then I told him that he could take up my father and the maide without a warrant: And he said he would doe it againe if it were to doe: I said unto him againe that it was more then he could answer And he said that he would take up the majore if he had don such a thing and if the law would not beare him out: they should take the Black stafe & hang it up to the mantle tree: But aside he if you will be bound that your mother should pay me I will goe and take her up by and by." The constable said he would not budge out of doors to look for her, unless deponent paid him, etc. Deponent further testified that when he brought the last warrant from the Major-General, and read it to the constable, the latter looked up into his face, and said, "it shall be the worst dais worke that euer thee didst in thy life;" he told deponent that the maid was aboard Mathew Coe's boat, and he could not bring her because they threatened him, but if he would give him money to hire help, he might get her. When he had finished speaking, they saw her coming ashore, and the constable ran out and took her up without the staff. Sworn in court, 28 : 9 : 1660, before Hillyard Veren,\* cleric.

Mehetabell Collens, aged about twenty-two years, deposed that she was at John Jackson's house on business when John Pearce called, etc. Sworn in court, 28 : 9 : 1660, before Hillyard Veren,\* cleric.

Elnor Jackson, aged about fifty-eight years, deposed that after she gave John Pearce the warrant, etc.

Osman Duch and William Browne testified that the constable looked for Mary Soames on Oct. 12, 1660 and on Oct. 15, took her to the Major-Generalls [Denison's] house, when the sun was about two hours high in the morning.

William (his mark) Linkehorne testified that Goody Jackson, sr., went with the Major's warrant to the constable of Gloaster, on Oct. 10, 1660, the sun being about one hour high in the evening, and said to the constable "here is a papper for you," and ran away as fast as she could.

John Collens, jr., aged about twenty-four years, deposed that he heard John Pearce say that he would not get the maid, unless he were paid, "for said he, what shall I goe to Ipswich to the Major to looke for my pay." Sworn in court, before Hillyard Veren,\* cleric. He further deposed that he heard the constable say that Mr. Symons said that the constable should carry the maid to her father's and keep her there till the court, but now he would not own it in the court.

\*Autograph.

which property belonged to Walter, John and Benjamin Fairefeld, the court ordered that said tenant should not use any timber growing upon the said land, except what was necessary for use in repairing of housing or fences.

Isaack Cooke fined 10li. for rashly shooting off a gun and dangerously wounding Lt. Tho. Lothrop. Court ordered that he pay 5li. of the fine to Lt. Lothrop, and one-half of the remaining 5li. was respitted until the next Salem court.\*

Inventory of the estate of William Golt, deceased, was brought into court by the widow. Amount, 23li., clear, besides the debts. The children, Rebecka, Deborah and Sara, were allowed 4li. each and were to be paid in such goods as were inventoried, when they became of age or were married.

Christopher Codner, dying intestate, an inventory† was brought in and sworn to by Mary, the widow, and allowed. Amount, 152li. Mary Codner, the widow, appointed administratrix, and the court ordered to be paid to Christopher, son of said Christopher, deceased, 60li., and to the daughter, 30li., when each reached the age of twenty-one years, or were married; when the said widow married, she was to give security for her said children's portions.

\*Summons, dated, 28: 9: 1660, served on Isaack Cooke, and also Theodore Price and Isaack Williams, as witnesses, by William Flint, ‡ constable of Salem.

†Inventory of the estate of Cristopher Codnor, deceased, taken by John Devorick and William Nicke: House and land, 60li.; a Coubourtt & boxe and beadstead, 3li. 5s.; table & frame & 4 gine stoolls, 1li. 2s. 4d.; arthen ware, as potts & panes & such licke, 15s.; 2 barrells, 4s. 6d., one Cheast, 4s., 8s. 6d.; one skillett, one warming pane, dusen of treshners, one ladell & one lantorn, 2li. 6d.; wooding ware, as tubbs & trayes, 28s. 3d.; 3 potts & 4 yiorn hookes, 2li.; hoges & axksesse and a sawe, 8s.; 4 Charges and pease of lathour, 12s.; one kittell, one floske bead & boulster, 1li. 14s.; putter, 3li. 20s.; 2 ruggs, 3li. 5s.; one pare of holland sheats, one table Cloth, 2li. 5s.; 7 pillobrs, drayers, 1li. 8s.; 5 sheattes, 2li. 5s.; one bead & boulster, 1li. 16s.; Curttaings & vallings & Cobbartt Cloth and Cushenghs, 2li. 5s.; 3 pare of blancketts, 4li. 5s.; a bead, 2 pillowes and boulster, 3li. 3s. 6d.; one Cheast, a wheall, pare of tonge, 2 basketts, 1li. 2s.; pease of sargh, 4 yd. of holland, 8 yd. moheare, 4li. 6s. 8d.; 8 yards of ttamme, 1li. 8s.; his waring Cloaths, 9li. 17s.; 15 swings, 15li.; 2 Cowes and a heffer, 11li. 10s.; in detts which is due to me, 10li. 17s.; total, 151li. 9d. A daught. 5 yeares old, her name Mary, 30li.; Christ., 3 yeares old, 60li.

‡Autograph.

William Ellett, dying intestate, an inventory of his estate was brought in by the widow, and the court allowed it. Amount, 55li. 8s. 6d., clear estate, besides debts. Court ordered that Sarah, daughter of said Ellett, have one-half the estate, when she became of age or at time of marriage, and the house and land mentioned in the inventory was bound for the child's portion. Sara, the widow of said Ellett, and James Bedde, her now husband, were granted power of administration on the estate.

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Writ: Frances Pebody, in behalf of the town v. Richard Kimbole, in behalf of Mr. Gote and Thomas Fisk, being partners with him; for not paying rates due the ministry, by virtue of his hiring Mr. Brodstreet's farm; dated, Nov. 19, 1660; signed by John Redington,\* for the court; and served by Robert Gowin,\* deputy to the constable of Wenham.

Writ: Selectmen of Lyn v. Richard Blood; for not giving in an account to the said selectmen of a rate of 24li. 6s. 10d., delivered into his hands, on 25: 11: 1658, to collect for the town's use, for which labor he was to have 20s.; dated, 5: 8: 1660; signed by William Longley,\* for the court; and served by William Bartrum,\* constable of Lyn, by attachment of the house and land of Richard Blood.\*

Writ: Martha Halfield v. Richard Brabrooke; debt for rent; dated, Nov. 8, 1660; signed by Robert Lord,\* for the court; and served by Robert Lord,\* marshal of Ipswich, by attachment of wheat and barley in the barn.

Writ: William Story v. Edward Bragg; for withholding one parcel of land, it being part of the farm which plaintiff bought of Henry Archer; dated, Nov. 20, 1660; signed by Robert Lord,\* for the court; and served by Robert Lord,\* marshal of Ipswich, by attachment of land.

Writ: John Williams v. Ambrous Butland and Daved Grigory; for non-performance of an agreement; dated, Oct. 25, 1660; signed by Francis Johnson,\* for the court; and served by Joseph Dallaber,\* constable of Marblehead.

Writ: John Hathorne v. Robert Skinner; debt; dated, Oct. 10, 1660; signed by William Longley,\* for the court; and served by Rich. Wayte,\* marshal of Boston, who committed him to prison.

Writ: Francis Usselton v. Cornelius Waldo; for not satisfying him for a parcel of wheat and swine he received of plaintiff; dated, Oct. 9, 1660; signed by Daniel Denison,\* for the court; and served by Robert Lord,\* marshal of Ipswich, by attachment of land lying about defendant's house.

Writ: John Hathorne v. Thomas Looke; debt; for withholding

\*Autograph.

Henry Phelps, being bound to this court to answer a complaint for keeping company or in the house with his brother's wife, and appearing, was released of his bond. Upon further consideration and examination of some witnesses, which the court did not see meet for the present to bring forth in public, and the wife of Nicholas Phelps not appearing, said Phelps was bound to the next court at Salem. He was ordered meanwhile to keep from the company of his brother Nicolas Phelps' wife.\*

four pounds or a cow; dated, Nov. 3, 1660; signed by William Longley,† for the court; and served by William Bartram,† constable of Lyn, by attachment of five pounds in the hands of John Lewis, which belonged to said Looke, and also ten acres of land.

Writ: John Hathorne v. Thomas Looke and Joseph Armitage; debt; dated, Nov. 3, 1660; signed by William Longley,† for the court; and served by William Bartram,† constable of Lyn, by attachment of the dwelling house of defendant.

Writ: Selectmen of Lyn v. Estate of Thomas Chadwell; debt; dated, 19: 9: 1660; signed by William Longley,† for the court; and served by William Bartram,† constable of Lyn, by attachment of barn of defendant.

Writ: John Northy v. John Brimblecome; for taking away his collar from his mooring to the danger of his boat; dated, Nov. 22, 1660; signed by Francis Johnson,† for the court; and served by Joseph Dallabar,† constable of Marblehead.

Writ: Mary Codnor, widow v. Grigory Castell; for withholding a debt of 49s. 7d.; dated, Nov. 20, 1660; signed by Fra. Johnson,† for the court; and served by Joseph Dallabar,† constable of Marblehead.

Writ: John Codnor v. John Northy; trespass; for mooring his boat on the plaintiff's mooring to the latter's great damage; dated, 22: 9: 1660; signed by Francis Johnson,† for the court; and served by Joseph Dallabar,† constable of Marblehead.

Venire to constable of Wenham, Oct. 23, 1660, for grandjury man, served by Jon. Dodg, jr.,† constable, who returned the name of Phinehas Fiske for the grand jury, and Richard Hutton for the jury of trials. Jon. Polin was chosen constable.

Writ: Giles Barge v. Henry Muddle; slander; calling him base rogue and saying he could prove it; dated, Sept. 25, 1660; signed by Robert Lord,† marshal of Ipswich; and served by Anthony Day,† deputy marshal of Ipswich.

Samuell Elwell† and Thomas (his mark) Jons, jr., of Glossester bound, Oct. 26, 1660, to Antony Day of Epswegh for Henery Muddell's appearance at next Salem court. Wit: William Browne† and Thomas (his mark) Prince.

\*Henry Phelps, of Salem, was complained of at the county

†Autograph.

John and Danyell Sothwick brought in a will\* and an inven-

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court at Boston, July 31, 1660, for beating his son, John Phelps, and forcing him to work carrying dung and mending a hogshead on the Lord's day, also for intimacy with his brother's wife and for entertaining Quakers. It was ordered that John Phelps, the son, be given over to his uncle, Mr. Edmond Batter, to take care of him and place him out to some religious family as an apprentice, said Henry, the father, to pay to Mr. Batter what the boy's grandmother left him, to be improved to said John Phelps' best advantage. Said Henry Phelps was ordered to give bond for his good behavior until the next Salem court, and especially not to be found in the company of Nicholas Phelps' wife, and to answer at that time concerning the entertaining of Quakers. Copy of judgment, made by Edward Rawson,† recorder. Sureties: Tho. Joy and Nicholas Phillips. Copy of bond, made by Edward Rawson,† recorder.

Henry Phelps bound for appearance at the next Salem court. Copy of Ipswich court record, made by Robert Lord,† cleric.

\*Will of Lawrence Sethick, late of Salem, "now at the house of Nathaniell Silvester on Shelter Island," dated, 10: 5: 1659, was proved 29: 9: 1660:

"First I giue and bequeath vnto my Sonne Daniell Sethwick my dwelling house at Salem w<sup>th</sup> all the houses Orchards gardens & appurtenances, And Gyles Lott, Provided that John Burnell shall haue a house lott on the ground at the further end of the Orchard newly fenc't in. Item my will is That the lott w<sup>ch</sup> I had of Josiah Sethick shall returne to him againe Item I giue vnto my Daughter Provided fifty pounds sterl to be payd out of y<sup>e</sup> stock of Cattle & horses &c Item I giue vnto John Sethick the lott next adioyning to his owne Item my will is That the great meadow w<sup>ch</sup> lyes at Ipswich river fenc't in shalbe divided betweene Daniell Setheck and John Burnell equally. Item I giue vnto Samuell Burton forty shillings. Itm I giue vnto John Burnell if he stand faythfull in the Truth 2 young steeres & y<sup>e</sup> first mare foale Item I giue vnto Henry Traske Marshalls lott ioyning to his Orchard, Provided that Daniell may haue liberty to mow a load of Hay euery yeare therein Item I giue vnto Mary Trask my daughter wife to Henry Traske Tenne pounds sterling I giue vnto Deborah Setchwick and young Josiah each of them fifty shillings sterling Item I giue vnto Ann Potter forty shillings in what shee thinks is beneficiall for her. I giue vnto Mary Trask daughter to Henry Traske one good serge suyt of clothes and vnto Sarah and Hannah Trask, each of them a suit of clothes I giue and bequeath vnto Samuell and Sarah John Sethicks children to each of them thirty shillings sterling. Furthermore my will is That Dan-

†Autograph.

tory\* of the estate of their father, Lawrence Sothwicke, deceased, with a certificate of the children's consent to the division, according to said will, all of which were allowed.

Mr. Georg Corwin fined for not appearing to serve on the jury of trials, having been warned.

Tho. Goldthwrite and Tho. Rootes, late constables of Salem, brought in their accounts for expenses during their service as constables, for "hughin cryes," sending several persons to prison, etc. The court allowed Tho. Golthwrite, 38s. 4d., and Tho. Rootes, 3li. 9s. 3d.

Georg Kesser had his fine of the last court respitted one-half, until the court took further order.

Peester Duncan was licensed to sell strong waters, as other shopkeepers who were licensed sold it.

Mr. Gedney's licenses renewed for the year ensuing.

William Bennet was allowed 2s. for witness fees in a presentment.

Servants of the house were allowed 6s. for their pains.

Peester Palfery formerly married Eliza, the wife of John Fayre-

iell, my sonne and Provided my daughter shall possesse and enioy all that w<sup>m</sup> remaynes of my estate after debts and legacies payd, and my will above-mentioned fulfilled equally to be diuided betweene them, So that Daniell may have that part w<sup>m</sup> belongs to husbandry. Lastly my will [is] that in case my wife surviue me she shalbe my executrix, and keep all in possession during her life, and after her decease my will to be performed according as is aboue expressed; And I doe ordayne William Robinson and Tho: Gardner to be overseers of this my last will and Testament." Lawrence (his mark) Sethick.† Wit: Nathaniell Sylvester,† Thomas Harrist and Willm. Durand.†

\*Inventory of the estate of Lawrence Southick, taken by William Robinson† and Thomas Gardner:† House and land adjoining, 36li.; 25 akers of Land in the north Neck, 20li.; 4 Akers of medoe lying by Ipsige river, 12li.; the Lott lying by John Southick's, 6li.; 4 Oxen, 26li.; 3 Cowes, 14li.; 3 young Cattle, 10li. 10s.; 2 Calves, 1li. 10s.; a mare and horse, 28li.; one horse, 9li.; 19 Swine, 20li.; 8 Sheepe, 3li. 14s.; one Cart and other Plowgeere, 2li. 10s.; 2 beds, 2li.; 3 blankets, 1li. 16s.; 3 sheets, 1li.; 1 ketile, 1li. 8s.; 1 Iron pott, 10s.; Armes, 1li.; a Table & Coberd, 1li.; 1 barel, 2s.; other Lumber, 10s.; total, 196li.

†Autograph.

‡Seal.

feild, deceased, who was then possessed of that estate that her husband Fairefeild left. When she married said Palfery, she did not give bond for security of the children's portions, according to the will of her deceased husband, by which the children were not to have their several portions until Benjamin, the youngest, reached the age of twenty years. Said Palfery desired to be released from the charge of said estate. The court ordered, Palfery and the children, Walter, John and Benjamin being present, that, notwithstanding there were some things in the will difficult to be understood, all housing and land of said Fairefeild mentioned in the will should be equally divided among the children, all parties having consented. Palfery was further ordered to pay out of the goods that he had with his wife, Eliza Fairefeild, to the value of 40s. to Walter, the eldest son, which was to be understood to be more than about 3li. which he formerly received of said Palfery. John Fairefeild, the second son, being under age, chose his brother, Walter, to be his guardian, and Benjamin, being about fourteen years of age, chose his father-in-law, said Palfery, as guardian, and agreed to live with him until he reached the age of twenty years, Palfery teaching him to read and write.

Bill of presentments, brought into court, 26 : 4 : 1660, and now appearing, were adjudged as follows :

Elizabeth Kitchin, the wife of Anthony Needham, and the wife of Georg Gardner were fined for twenty days' absence from the public ordinances ; Goodwife Buffum, the wife of Jon. Sothwick, and John Smale, for twenty-six days' absence ; the wife of Samuel Shattock, for twelve days' absence, and Danyell Sothwick, for thirty days' absence. Summons served, June 27, 1660, by Tho. Roots, constable of Salem.

The wife of Robert Stone was convicted of frequently absenting herself from public worship ; and the wife of John Smale, the wife of Phillip Veren, John Burten and Jon. Hill, being presented for the same offence, and not proved against them, were dismissed.

Jon. Smale, jr., being presented for saying that Mr. Higginson preached damnable lies, which could not be proved, was dismissed.\*

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\* Wit : Isack Cook and Hewgh Johnes. Summons served June 28, 1660, by Tho. Roots† and Tho. Gouldthyte,† constables of

† Autograph.



James Bede was fined, upon his presentment, for being drunk.\*

Writ: John Hathorne v. Edward Colcord; debt for 6000 ft. of boards; dated, May 1, 1661; signed by Will. Longly, for the court; and served by Richard Wayte, marshal of Boston. Georg Halsell, surety.

Salem, whose return stated that said Smale could not be found.

Hugh Joanes and Isaack Cooke, aged upward of twenty years, deposed that about two months since, etc. Sworn in court, before Hilliard Veren,† cleric.

\*Wit: Mr. Roger Conant and his wife and Zachery Herrick. James Bedde was "married of late to the widdow Elliot."

Bill of presentments, dated, Nov. 29, 1660, signed by Nathaniel Felton,† in the name of the rest:—

Katherine, wife of Willyam Kinge, Sarah, wife of Robert Stone, Hanna, daughter of John Burton, Damaris, daughter of Joseph Pope, An, wife of Anthony Needham, Saml. Gaskin, John Smal, the wife of Josiah Suthwicke, Philip Veren and his wife, the wife of Nicholas Phelps, the wife of John Suthwicke, the wife of Richard Gardiner, the wife of George Gardiner, for frequent absence from the public ordinances. Wit: Henery Skerry, John Neale, Saml. Eburne and Nathaniel Felton, jurors. Summons issued, 10: 9: 1660, to constable of Salem.

John Smal, sr., Philip Veren, the wife of Robert Buffum, Saml. Gaskin, Daniel Suthwicke, Saml. Salmon, the wife of Mr. Thomas Gardiner, sr., and the wife of Richd. Gardiner, for assembling themselves at a Quaker meeting upon the Lord's day. Wit: Edward Gaskin and John Bly. Summons issued, 10: 9: 1660, to constable of Salem.

Nicholas De Cane, for living from his wife. Wit: Henery Herrick and Henery Skerry.

Richard Middleton, for stealing a scarf from John Putnam's house. Wit: Bethiah, wife of Joseph Hutcheson. Also for stealing a bridle-bit from Mr. Gidne, and for his obstinate lying and denying the same. Wit: Richard Hutchison and John Putnam.

Venire to constable of Salem, 10: 9: 1660, for men for the grand jury and jury of trials, served by Benjamin Felton† and William Flint,† constables, who returned the following names for jury of trials: Mr. Jeorg Corwin, Tho. Puttman, Mr. John Gardner, Elias Mason, Isaack Williams, Tho. Robbins and Robt. Lemon.

Venire to constable of Lynn, Oct. 23, 1660, served by William Bartrum,† constable, who returned the names of Hue Burt, Mr. Reedings, Mr. Adam Hawks and William Meriam, for the grand jury, and Ensigne Fuler, Mr. John Hathorne, Robert Burges, Allen Bread, jr., and Theophilus Bally, for the jury of trials.

†Autograph.

## COURT HELD AT IPSWICH, Mar. 26, 1661.

Judges : Mr. Symon Brodstreet, Mr. Samuel Symonds, Major Genrll. Denison and Major Will Hawthorne.

Jury of trials : Mr. John Appleton, Edward Chapman, James How, Mr. James Chute, Will Wyld, Abr. Tappan, John Poore, Robert Addams, John Tod, Will Boynton, John Mighill and Frances Pabody.

Renold Foster sworn constable for Ipswich for the year ensuing.

Civil cases :—

Sergt. Rich. Jacob v. William Averill. Forfeiture of a bond for non-performance of a covenant about a piece of building.\*

William Flint,† constable of Salem, returned the names of Lt. Tho. Lawthrope, Henry Herick, Henry Skery, Jno. Neale, Samll. Ebourne, Nath. Felton and Tho. Deacon, for the grand jury.

\*Writ, dated, Mar. 18, 1660, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal, by attachment of a cow and the barn with all the ground thereabout.

Contract made, Sept. 27, 1659, with William Averell,† carpenter, by Richard Jacob, both of Ipswich : Said Averell was to erect a building 18 feet square and 13 feet stud, to provide clapboards and shingles for the said building and to lay them ; to lay three floors with joist and board ; to "make 4 windows too stole windows of 5 Lights apeece and to Claristory windows of 4 Lights apeece also a garret window to Casments betwene studs pertitions and doors to Close the Roms Compleat as allso to Remoue A Little Rome and Close it to his house and mak it tite betwene allso to make a table and frame of 12 or 14 foot Long and a joyned forme of 4 foot Long and a binch Behind the table." The amount paid was twelve pounds, and Averell agreed to have the work completed by the last of August. Said Jacob agreed to draw all the timber and board for the covering and to send convenient help to raise *frens* and and boards and nails. Said Averell was to make good all timber which was found defective through him, so as to have the house substantial. Wit : John Appleton† and John (his mark) Gage.

Thomas Whittered deposed that, being at work at Sargant Richerd Jacob's house the latter end of last summer, the latter hired deponent to hew a "grounsill" and mortice it, to put into the side of his old house which stood where the new house was to be set. The "grounsill" of the old house, he said, was rotten and the new sill had not been put in yet, though he worked by the day and was not engaged to put it in. "The house as it then stood and still Remains is incapable of being Remoued as I conceive : I furdre Testify that the frame of the new house did not want much of

†Autograph.

Thomas Hutcheson v. Tho. Marshall. Debt.\*

Isaac Comings and William Evans, in behalf of the town of Topsfield v. Zacheous Gould. Trespass. For claiming a parcel of meadow belonging to the said town and carrying away the hay. Withdrawn.†

being fitt to Raise when I was there att worke about the grounsill : also there was a considerable quantity of shingles and clapboard for covering then brought out and still piled up in sargant Jacobs yard done by william auerell as I am a wittnes of allso the oeller that the ould house is to stand ouer is without sleepers open to this day." Sworn in Ipswich court, Mar. 26, 1661, before Robert Lord,‡ clerk.

William Goodhue testified that, going by William Avery's not long since, Sergant Jacob asked Avery if he would not go on with his work, and he said that he would if Avery would come to new terms. Sworn in court, before Robert Lord,‡ clerk.

Thomas and Sammuell Jacob, aged about twenty and twenty-two years, sons of Richard Jacob, deposed that there was a sill ready for the old house, and the reason that it was not put in, was because the walls should not be broken down before the other house was ready to be set up. Sworn in Ipswich court, Mar. 26, 1661, before Robert Lord,‡ clerk.

Thomas Clarke, of Noddle's Iland, deposed that he cleft out for William Averell about 1200 clapboards and shingles in Richerd Jacobs' yard, about the time the jury men were chosen for last September court, some of which clapboard stuff was brought home to Sarg. Jacobs' house while he was there at work. Sworn before Robert Lord,‡ clerk.

\*Writ: Thomas Hutchinson v. Thomas Marshall, carpenter; debt; dated, Dec. 13, 1660; signed by William Longley,‡ for the court; and served by Jonathan Hudson,‡ constable of Line, by attachment of a stack of wheat. Said Hudson read the attachment to Thomas Marshall's wife in their dwelling house, and on Mar. 24, 1660-61, Marshall himself was notified.

Thomas Hutchingson's bill of costs, 1li. 8s. 11d.

Acknowledgment of Thomas Marshall‡ of Lyn to Thomas Hutchinson of Lyn, dated, July 1, 1659, of a debt of 3li. 7s. 6d., part in wheat and part in pork, at price current, to be delivered at Mr. Shaefe's house in Boston on Sept. 29, 1659. Wit: Rebekah Hawkes.‡

‡Zacheas Gould's bill of charges, to summoning Wm. Howard, witness from Boston, and one from New Medowes, 1li. 11s. 8d.

Copy of Topsfield town records, 22 : 12 : 1660, in which it was voted to authorize Isaac Cumings, sr., and William Evens to prosecute against Zacheas Gould, Thomas Browning and William

‡Autograph.

Isaack Comings and William Evans, in behalf of the town of Topsfield v. Thomas Browning. Trespass. For possessing and fencing a parcel of meadow belonging to the said town, mowing grass and carrying away hay for several years. Withdrawn.

Isaack Comings and William Evans, in behalf of the town of Topsfield v. Will. Towne. Trespass. For detaining a parcel of meadow, etc. Withdrawn.\*

William Longley v. Henry Collings and John Hathorne, in behalf of the town of Lyn. For withholding and not laying out forty acres of land, which was his equal proportion as an inhabitant according to the division made in 1638. Verdict for plaintiff, 40li., or to lay him out forty acres together in some convenient place within the limits of Lynn by June first next, as adjudged by

Towne to recover the meadow, etc. Copy made by John Redington,† clerk.

Zacheas Gould, aged seventy-two years, deposed that at a meeting at Topsfield many years before, Willm. Howard, then living at Topsfield, asked them to grant him a parcel of land lying near the farm house of Mr. Willm. Paine on the south side of the river, which was accordingly granted to Wm. Howard and Wolter Ropper. Said Howard was ordered to lay out the land, which he did, and made return to the town, and it was so entered in the town book. If any of this land should fall within Salem bounds, the town of Topsfield was not to make that good. Sworn in Ipswich court, Mar. 26, 1661, before Robert Lord,† clerk.

Wolter Ropper, aged about forty-eight years, and Willm. Howard, aged about fifty-two years, deposed, Mar. 28, 1661, that some little time after the village of Topsfield was made a township by the General Court, Willm. Howard, then of Topsfield, asked at a lawful meeting for a nook or point of land that laid against the farm house and part of the farm that the said Howard bought of Mr. Wm. Paine. It was to begin where the river turned in toward Paine's farm, and to run over the point of upland called Salem meadow, which part was then in possession of said Howard, upon a straight line as near as might be so as to take in said Salem meadow. If the town saw fit to lay out a highway through said land, that this grant should not hinder. This grant also included the two acres of meadow that Willm. Towne bought of Mr. Paine and eight acres of meadow in the hands of Thomas Browning. The book in which the record was kept, the inhabitants of Topsfield now say was burned when John Redington's house was burned. Sworn in Ipswich court, Mar. 26, 1661, before Robert Lord,† clerk.

\* Wm. Town's bill of charges, 1li. 11s. 6d.

† Autograph.

men to be appointed by the court. Court appointed Corppl. Tho. Puttman, Sergt. Porter and Thomas [Ed.—*Waste Book.*] Flint to lay it out.\*

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\*Writ, dated, Mar. 4, 1660-61, signed by Willm. Cowdrey,† for the court, and served by Jonathan Hudson,† constable of Lin.

Clement Coldham of Gloster deposed that he had known William Longley to have been an inhabitant of Lin for about twenty-three years, and shortly after he came, there was a grant and distribution of land proportionate to all the householders; also that about twelve years since, said Longley, in deponent's hearing, demanded his portion of land to a former grant, at a general town meeting. Some present answered that if Longley could prove the land was granted to him, he should have it. Some agreed that there was land granted to Richard Langley but none to William Longley. Deponent was an inhabitant of Linn before Longley came and for many years after, and affirmed that the said Longley was for many years called Langley and not Longley and was frequently called so to this day. Deponent knew of no inhabitants of Linn called by the name of Langley or Longley but only this William Longley and his family. Sworn in Ipswich court, Mar. 26, 1661, before Robert Lord,† clerk.

Hugh Burt, aged seventy years, deposed that he had been an inhabitant of Linn for about twenty-five years, and when the distribution of lands was made, about twenty-three years before, said Longley purchased a house and land there and paid to all public charges as the others; that Longley was commonly called Langley, and that he had been recorded in the town book as Richard Langley, on which account the meeting twelve years before had refused to grant said Longley the land. Sworn in court.

Joseph Armitage, aged about sixty years, deposed that, in the division of lands, he and his brother Godfrey Armitage had given to them four score acres. Deponent sold it about twenty-one years ago for fifteen pounds in gold. The thirty or forty acre lots in Lyn village were worth and sold for 20s. per acre. Sworn in court.

Andrew Mansfeild, aged about thirty-eight years, testified that he had been an inhabitant of Lynn about twenty-two or three years, having come the same year as said Longley, etc. Sworn in court.

William Longley's bill of costs, 3li.

Andrew Mansfield, aged about thirty years, and Hugh Burt testified that the thirty and forty acre lots in Lynn village, which were given by the town of Lynn at the same time that the forty

†Autograph.

Capt. Thomas Savage v. Mr. Oliver Purchase and Mr. John Paine. For withholding and refusing to deliver him possession of

acres now in question were given, in their judgment were worth at least 20s. per acre. Sworn in court.

Copy of the distribution of the land in Lynn, in 1638, paper addressed "For William Langlye": To ye right honr. ye Lord Brooks, 800 acres; Mr. Tho. Willis, upland and medow, 500 acres; Mr. Edward Hollicoce, upland & medowe, 500 acres; Henry Collins, upland & medow, 80 acres & ten; Mr. Flood, upland & medowe, 60 acres & tenn; Edward & Frans. Ingalls, upland & medowe, 120 acres; widdow Bancraft, 100 acres; widdow Hammon, 60 acres; George Burrall, 200 acres; John Wood, 100 acres; Tho. Talmage, 200 acres & tenn; Nicholas Browne, 200 acres & tenn; William Cowdrye, 60 acres & tenn; Tho. Laughton, 60 acres & tenn; John Cooper, 200 acres & tenn; Allin Bread, 200 acres; John Poole, 200 acres; Edward How, 200 acres & tenn; Tho. Seyars, 60 acres; Job Seyers, 60 acres; Tho. Chadwell, 60 acres; — Walton, 60 acres; Christopher Foster, 60 acres; Will. Ballard, 60 acres; Josias Stanboughroh, 100 acres; Edmond Farrington, 200 acres; Nicholas Potter, 600 acres; Will. Knight, 60 acres; Edward Tomlins, 200 acres & twenty; — South, 100 acres; Boneface Burton, 60 acres; John Smith, 60 acres; Mr. Edward Howell, 500 acres; Nicholas Battye, 60 acres; Mr. Sadler, 200 acres and the Rock by his house; Joseph Armitage, 60 acres; Godfry Armitage, 20 acres; Mathew West, upland & meadow, 30 acres & tenn; George Farr, 30 acres & tenn; James Bowtwell, 60 acres; Zachary Fitch, 30 acres & tenn; Jerrerd Spencer, 30 acres, Jynkin Daves, 30 acres & tenn; Georg Taylor, 30 acres & tenn; — Thorne, 30 acres & tenn; Thomas Townsend, 60 acres; Tho. Parker, 30 acres & tenn; Francis Lightfoote, 30 acres & tenn; Richard Johnson, 30 acres & tenn; Robert Parson, 30 acres & tenn; Edward Burchum, 30 acres & tenn; Anthonye Newill, 30 acres; Tho. Newill, 30 acres; Tho. Marshall, 30 acres & tenn; Micaell Spenser, 30 acres; Timothy Tomlins, 80 acres; — Harker, 20 acres, of this sould to ye Towne, 10 acres next ye towne, for three shillings; Richard Rooton, 60 acres; — Handford, 20 acres; Thomas Hudson, 60 acres; Thomas Halsye, 100 acres; Samuel Bennitt, 20 acres; John Elderkin, 20 acres; Abraham Beltnap, 40 acres; Robert Driver, 20 acres; Joseph Rednap, 40 acres; — Deakin, 10 acres; Phillip Kirtland, sr., 10 acres; Phillip Kirtland, jr., 10 acres; — Crofte, 10 acres; Hugh Burt, 60 acres; — Wathin, 10 acres; Richard Brooks, 10 acres; Francis Godson, 30 acres; George Welbye, —; Will. Partridge, upland, 10 acres; Henrye Gaines, 40 acres; Richard Wells, 10 acres; — Pell, 10 acres; John White, 20 acres; Edward Baker, 40 acres; James Axey, 40 acres, Will. Edmonds, 10 acres, Edward Ireson, 10 acres; Jeremy How, 20 acres; Will. Gouge, 20 acres,

the Iron works, stock and appurtenances, which he recovered by a judgment of court, etc. Withdrawn.\*

Nathaniell Whiteinge, 10 acres ; George Fraile, 10 acres ; Edward Bridges, 10 acres ; Richard Langlye, 40 acres ; Tho. Talmage, jr., 20 acres ; Tho. Coldrum, 60 acres ; Adam Hauks, upland, 100 acres ; Thomas Dexter, 350 acres ; Daniell How, upland and med-  
owe, 60 acres ; Richard Walker, upland & medow, 200 acres ; Ephraim How, next to the Land of his father, upland, 10 acres ; — Ivorye, 10 acres ; Timothy Cooper, 10 acres ; Samll. Hutch-  
inson, 10 acres, by estimation ; Mr. Samuel Whiteinge, the pastor, 200 acres ; Mr. Thomas Cobit, the Teacher, 200 acres. Copy taken from the town book of the records of Lynn, 10 : 1 : 1659-60, by Andrew Mansfeild,† town recorder.

\*Copy of the inventory of the estate of Wm. Paine of Boston, merchant, appraised by Hen. Shrimpton, Joshua Scottow and John Richards, and allowed in court at Boston, Nov. 14, 1660, upon oath of Mr. John Paine, his son : In the warehouse Chamber, 4 peeces white Trading cloath, 42li. ; 39 yrds. blew trading cloath, 9li. 15s. ; 5 1-4 1-8 yrds white trading cloath, 1li. 4s. 2d. ; 4 Bales nowells, 2 Bales pantozells, 1 Bale fine sheeting, 2 1-2 Bales of broad, 4 peeces Kentings, half Bale napkening, 232li. 16s. 2d. ; 2 Bales nowells Cont. 6 poanles, 43li. 6s. 8d. ; 5 ps. villaranes cont., 70 1-2, 35 1-4, 23, 11 1-2 and 21 3-4 yds., in all 162 yds. at 21d. p., 14li. 3s. 6d. ; 5 peeces Kenting, 44 1-4 yds. at 2s. 3d. p., 4li. 19s. 6d. ; 120 yrds. Humains, 123 yrds. Humanes, 123 yrds. Humanes, 99 1-4 Humanes, 342 1-2 yrds. at 18d., 25li. 13s. 4 1-2d. ; 3 Ruggs, 6li. 15s. ; 2 Barrells bate, 12li. powder, 9li. ; 4 peeces searge, 16li. ; 1 ps. carsey, 20 1-2 yrds., 4li. 2s. ; 1 ps. more, No. 2, 5li. ; 11 yrds. 5-8 of carsy at 5s. 6d., 3li. 4s. ; 6 3-4 of carsey at 7s., 2li. 7s. 3d. ; 3 3-4 of carsey at 4s., 15s. ; 8 peeces wt. calleco at 14s., 5li. 12s. ; 50 1-2 yrds. broad dowlas at 2s., 5li. 1s. ; 23 1-2 dowlas at 21d., 2li. 1s. ; 3 1-8 of locrum at 16d., 4s. 2d. ; 12 of blew calleco at 18d., 18s. ; 1 ps. blew calleco at 20s., 1li. ; 4 1-2 yds. searge at 4s., 18s. ; 4 1-2 yrd. red broad cloth at 8s., 1li. 16s. ; 3 yrds, 3 nailes broad cloath at 16s., 2li. 11s. ; 8 yrds. 3-4 red carsey at 6s., 2li. 10s. 3d. ; 2 1-4 red at 3s. 6d., 7s. 10d. ; 9 3-4 1-8 peneston at 2s. 10d., 1li. 8s. ; 12 3-8 Role cotton at 2s. 3d., 1li. 19s. ; 8 pr. Irish stockens at 18d., 12s. ; 8 1-2 narrow blew linen at 13d., 9s. 2d. ; 3 1-4 broade blew linen at 20d., 5s. 5d. ; 23 1-2 broad blew linen at 2s., 2li. 7s. ; 2 pr. Stockens, 5s. 6d. ; 5 pr. bodeys at 4s., 1li. ; 1 groace of silver coat & other buttens with Riboning & lace, 30li. 16s. 11d. ; 2 yrds. hol-  
land at 6s., 12s. ; 17 1-2 of east cloath, 8s. ; 31 halfe linds at 14d., 1li. 16s. 2d. ; 5 ham bourough linds at 2s., 10s. ; 5 knotts of housing at 4d., 1s. ; 5 1-4 vittery at 14d., 6s. 1d. ; 10 parchmen skins, 1 trunk, 20 bookes, — of wax candle, 1li. 10s. ; 58 reame of

† Autograph.

paper at 7s., 20li. 6s.; 4 baggs cotten wooll, 550li. at 5d., 11li. 9s. 2d.; 71li. hopps at 4d., 1li. 3s. 8d.; 200 hhs. salt at 11s., 110li.; Remant Ratling, 2s.; pcell bookes, 2li.

In the lower roome: 2 Bailes nowells, 43li. 6s. 8d.; 1 bagg hopps, 1li. 13s. 4d.; 6li. rod Iron at 2s., 8li. 8s.; 2 Bushells wheat, 19s. 6d.; silkware in 2 boxes, 31li. 14s.; 3 bate naile of Turkey Gregrum, 10s.; 2 yrds. broad cheney & remant of Satten, 7s.; 2li. 11 silk, 3li.; 1li. 1-2 fringe & muccado ends, 7s.; 2 3-4 soft wax, 2s.; 5 1-2 Butts thread, 14s.; 13 yrds. old fashion lace, 2s.; 20 yrds. wt. callio, 22 laces, 2 1-2 doz. poynts, 1li. 1s.; 8 doz. short laces, 2 doz. 3-4 long, 18s.; 13 oz. coventry thred, 4s.; 1li. ource wt. thred, 6s.; 1-2 li. whited Browne, 2s.; 3li. colloured thred, 9s.; 4li. black & browne, 2li. 2s.; 12 Hatts, 10 bands, 3li.; 20 browne holland, 2li. 10s.; 18 1-2 yrds. Humanes, 18d., 1li. 7s. 9d.; 83 3-4 pantolanes, 4li. 3s. 9d.; 41 1-4 yrds. vittery at 14d., 2li. 10s. 6d.; 26 1-2 poledavy at 18d., 1li. 19s. 9d.; 30 3-4 nowells at 16d., 2li. 1s.; 5 3-4 locrum at 18d., 8s. 7d.; 36 locrum at 18d., 1li. 19s.; 8 3-4 1-8 blew linen at 14d., 10s. 1d.; 30 yrds. sacking at 9d., 1li. 2s.; 221 1-4 yrds. Cotten cloath at 2s. 4d., 25li. 16s. 3d.; 8 yrds. greene Cotten at 14d., 9s. 4d.; 18 of wt. cotten at 1s., 18s.; 24 Irish, 12s.; 3 Remnants boulding, 2s.; 3li. suger, 3li. 15s.; 1 Tire for wheelles & old Iron, 3li.; 13 cart boxes & 3li. in Iron waite, 2li. 10s.; Basketts, Rubstones, 15s.; pcell of wt. salt, 12s. 6d.; pcell of cards & old hops, 15s.; a screw & 9 mose skins, 2li. 10s.; pll. of old rope & line, 10s.; pcell of Cotten wooll, 5s.; Barrell of Oatmeale, 1li. 5s.; 2 Kettles, 3 spades, 1 pan & nailes, 2li. 5s.; 1 cutting saw, 6s. In the cellar: 30 hhd. mallasses at 3li., 90li.; 5 barrells macrell, 1 halfe barrell, 7li. 5s.; 2 Iron bound hhd., 10s. In the other cellar: 3 hhd. Rum, 30li.; poells of sower wine, 3li.; old cask, 10s.; beaver, 49li., 22li. 1s.; beaver, 160li. at 18d., 12li. In the lentoo house end: 30 tunn salt at 40s., 60li.; 4 sawes, 2li.; boulding mill, beam board, 2li. In the Iron house: 77 1-2li. barr Iron at 20s., 47li. 10s.; 5 3-4li. cast backs at 15s., 4li. 6s. 3d.; 11 1-2li. Andirons at 15s., 8li. 12s. 6d.; 9 3-4li. potts & Kettles, 12li. 3s. 9d.; 5 Iron skilletts, 13s. 6d.; beames & scales, 1li. 10s.; 39 1-2li. cast waite, 29li. 12s. 6d.; 857li. cotten wooll at 5d., 17li. 7s. 1d.; 377 of hopps at 4d., 6li. 5s. 3d.; 7 hhd. 3 butts suger, 65li.; 2 qt. fish, 1li. 4s.; 1 firkin butter, 1 scape, 2li.; 5 li. bate, 8li. barr Iron, 4li. 18s.

In the yard: 28 tun pact cask, 9li. 16s.; 7 1-2 hhd. lime, 1li. 13s. 9d.; 6000 pipestaves at 4li., 24li.; 1400 boards, 5s. 6d., 3li. 17s.; 12000 Rotlin, 4li. In the dwelling house: 10 1-2 yrds. sacking & canvas, 7s. 10d.; 2 1-4 cloth rash at 6, 13s. 6d.; 9 bate naile of dowlas at 2s., 17s. 10d.; yrd. narrow taffety, 6s.; 4 1-2 liver colloured searge, 18s.; 1 groace 4 1-2 doz. hookes & eyes, 2s. 6d.; 2 yrds. blew Tradts cloath, 10s. At Mr. Scottowes: 2 Bales nowalls, 43li. 6s. 8d.; 1 ps. pantossam, 5li.; 1 ps. sheeting, 6li. 2s. 6d. At Mr. Broughton's: 3 butts 1 hhd. suger at 25s., 35li.; 140 1-4 hhd. salt at 11s. Shoales, 70li. 2s. 6d.; 20 hhs. at Mr. Parkers, at 10s., 10li.; 1



hhd. Rum at Mr. Handsons, 10li.; at Linn workes, 1 horse, 10li.; at Capt. Johnsons, leather, 00; at Mr. Buttolls, leather, 00; at Capt. Clearkes, an Anchor, 1li. 10s.; Adventure in Thrumboll to England, 49hhds. oyle, 5 M. 8C. 81li. Cotten neate, 12 qt. fish, 289li. 7s. 5d.; To Jamaco & p left in Jamaco before p Adam Westgagge, 52li. 12s. The house more: 3 Satten doblets, 1 taffety cloak, 4li.; money, 5li. 11s. 9d.; 2 gold rings, 2li.; 1 1-2 C. wt. suger at 4, 6li.; 3-4 of cast ware at workes, 100li.; 3-4 stock of sow Iron & coals, 450li.; 3-4 of ye workes at hamersmith & Brantree, 800li.; Dwelling house, warehouses & apprtences at Bostone, 400li.; watertowne mill house, land & apprtences, 150li.; 1-2 mill at exeter & halfe of the prvilidge of mill & land, 40li. Household stuff & is in the cellar under ye Hall: 1 Iron Trivett & Tramell, 1 barr & 2 Cobbe Irons, 1 fire shovell, 1 Kettle, 2 brass pans, 1 Copper Kettle, 1 brass skillett, 1 flagon, 20 old dishes, 1 Iron pott, 1 spitt, 1 pr. bellowes, skimer, 3li. 19s. 6d. In the Hall: 1 pr. Iron Andirons, 1 pr. tonges, 11s. 6d. more; one Cubord, 15s.; 1 Tabbell & carpett, 2s., 4 leather, 2 other chairs, 1li. 5s., 1 setle, 4 stooles, a cushion, 14s., 1 clock, 2li., 7li. 5s. 6d. In the little roome: 1 Bedsteed & curtaine, one bed, one boulster, 1 rugg, 3 blanketts, 1 pr. sheets, 4 table cloath, 8 naptkins, 1 pewter dish & one bason, one salt, 2 brass candlestickes, 1 ladle, 1 warming pan, fire pan, 20s., 1 basket, 1 chaire, 1 cushion, 7li. 4s.

In the other little roome: One bedsteed, curtaines, fether bed, 3 blanketts, 1 coverled, 2 bolsters, 3 pillowes, a trundle bedsteed, a fether bed, pr. of sheetes, coverled, bolster, Tables & chaires, 8 Cushions, 1 Joint stoole, 3 pewter dishes, 1 salt, 1 Brass skillett, 1 skimmer, 1 pan, 1 seive, 1 Bible, 11li. 7s. 6d. One silver Candlestick, 1 Tankard, one beere boale, 2 wine cupps, one dram cupp, 6 spoones, 17li.; 1 brass scillett, 1 pewter dish & bason, 2 brass Candlestickes, Joynt stooles, one Tramell, 1 Kettle, 1 sive, shovell, 1 back, 2 Cob Irons & dripping pan, 1li. 15s. In the clossett: 13 pewter platters, 2 py plates, 6 smale plates, 5 saucers, 1 pewter & 2 brass candlesticks, 1 urin botle & 1 bed pan, 12 earthern dishes, 2 pudden pans, 5li. 10s. 6d. In the hall chamber: One bedsteed, Curtaines & vallens of red searge, 1 fether bed, 2 bolsters, 2 pillowes, 3 blanketts, 1 tapestry Coverled, 10li.; 2 Cubberts, 2 Cubbert cloathes, 1 table, 4 red stooles, 2 red cloath chaires with fringe, 3 leather chaires, 2li. 15s.; 1 great chaire, 7 pichers, 10s., one pr. brass Andirons, one back, 3s., 8li. 5s.; 6 cushions & 1 pc. of carpeting & old vallens at 1li. 4s.; one Trunk, 8s.; one chest, 8s., 2li. Within the trunk & chest & in the hall chamber: 7 pr. sheetes, 4 diapr. table cloathes, 2 plaine, 9 pillow beers, 4 Cubbert cloathes, 2 naptkins, 1 tapestry coverled, 2 darnick carpetts, 2 pr. sheetes, 7 damask naptkins, 2 short diaper table cloathes, 3 pillow beers, 26 diaper naptkins, 14 plaine naptkins, one red rugg, 21li. 18s. In the Garrett: One Rugg, three blanketts, one flock bed, 1 Coverlett, one bolster, one blankett, 3li. 7s.; money, 123li. 14s.; In vessells,

Mr. Edmond Batter v. John Pryd. Debt. Withdrawn.

John Godfry v. Edward Clarke. Debt. For one-half of a bond. The jury found that there were 21 bushels, 1 peck and 1-2 of wheat, and 17 bushels, 3 pecks due to Godfry, but no cause of action. Verdict for defendant.\*

Mr. Rich. Dummer v. Daniell Grasier. For non-payment of an award made by John Whipple and Robert Lord.†

200li. ; total, 4,239li. 11s. 5d. Due to the estate : In debts acctd. as certaine, 1,500li. ; as doubtfull, 700li. ; stand in the book yett acctd. of as utterly lost & desperatt, 836li. 6s. 2d. Debts due from the estate, 1500li. Copied from a copy made by Isaack Addington, clerk of Suffolk court, by Hilliard Veren,‡ cleric.

\*John Griffin, aged twenty years, testified that, being in the house of Edward Clarke the first of March, John Godfrey came in and said he had been at Goodman Singletree's and had promised a tub to put the Indian corn in ; that the tub lay on the floor in Edward Clarke's house. Clarke asked Godfrey if he would own that he had received the corn, and the latter replied, " What need any more words of that, there hath beene enough said already." Clark told him that if he would not own it, he would carry it down to the landing place according to his covenant. Godfrey then agreed to accept it, and said that all the corn that lay there was his, and asked said Clarke to allow it to remain at the latter's house a week or a fortnight. Godfrey agreed also to stand the venture of the corn in case of danger from fire. Deponent also testified that said Godfrey bade Edward Clark carry the corn to Goodman Singletree's and put it into his tub. Samuel Lumas also testified to the substance of the foregoing. Sworn in court.

Job Tiler deposed, Mar. 22, 1660-61, that he was with John Godfrey at Clarke's house at Haverhill, when Godfrey demanded the wheat due by bond, and said Clarke told him to take the corn as part of the bond, and he would pay him. Clarke had a sealed half bushel in his hand, and said he would measure it, but did not. He spread a blanket, but measured no corn. They were at Clarke's house three-quarters of an hour and saw corn in three hogsheads. Upon Clark's denial of the bond, John Godfrey served a warrant upon him and then went his way. John Godfrey deposed the same.

Edward Clark's bill of cost, 1li. 9s. 10d.

Bond of Edward Clarke‡ of Haverhill to John Godfrey of Andover, dated, Apr. 6, 1660, for 16li. 2s., to be paid in two lots, each containing twenty-one bushels and one peck of wheat, and seventeen bushels and three pecks of Indian corn, to be delivered at the landing place at Haverhill. Wit: Robert Lord‡ and Theophilus Wilson.‡

†Robert Lord‡ and John Whipple,‡ arbitrators appointed to

‡Autograph.

Lift. Samuel Appleton acknowledged satisfaction in reference to a bond in court of the portion of Mary Oliver, now his wife, and William Garish was discharged.

Mr. John Paine v. Capt. Tho. Savage. Trespass. For seizing his estate illegally, which was then released by virtue of a replevin to be prosecuted at the next court. By consent of both parties Capt. Savage promised to save Mr. Paine harmless from the bond to prosecute his replevin and withdrew his action.

William Buckley v. Thamar Quilter. For harboring and withholding his apprentice from him. Verdict for plaintiff, the boy to be returned.\*

settle the differences between Mr. Richard Dummer and Daniell Grazier, gave their award, on Nov. 24, 1660, as follows: They found that there was a bargain between them for the said Daniell to build a house, break up land and hold it ten years, to have the ground four years for the fencing and breaking up, etc.; that Mr. Dummer let the said Daniell have a cow and calf at four pounds, ten shillings, for the building of a house, and at the end of ten years to be appraised, and if they were then worth more, Mr. Dummer was to allow it, and if less, said Daniell was to pay back. They awarded that Daniell should either hold his bargain the term out or else pay back to Mr. Dummer the four pounds, ten shillings; that he should pay to Mr. Dummer a debt of forty-four shillings, six pence; and as for the other thirty shillings which, it was alleged, his wife promised to pay for the time she went away before her time was out that was agreed upon when Mr. Dummer sold her to Henry Short, if Mr. Dummer can get testimony of such promise before Dec. 3, the said Daniell should pay to Mr. Dummer thirty shillings more. Mr. Dummer produced the necessary testimony.

Mr. Dummer's bill of costs, 1li. 3d.

Corpall. John Whipple and Robert Lord deposed concerning the arbitration, etc. Sworn in court.

\*Writ, dated, Mar. 16, 1660, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal, by attachment of a parcel of land of the widow Quilter.

William Buckley's bill of costs, 20s. 10d.

Thomas Kemball, aged about twenty-six years, deposed that he was at William Buckley's house and heard the latter and Mr. Crosby talking as to whether Joseph Quelter should go to Rouly. Goody Quelter was present and desired that he should rather go with her to her own house that she might look after him herself.

Timothy Johnsonn, aged about seventeen years, deposed that he lived in the house with Joseph Quelter and heard the latter's mother

†Autograph.

Robert Dutch v. Shoreborne Willson. Assault and battery. For abusing his wife in his own house, throwing her down, striking her and abusing her with his tongue, and also for abusing her children. Withdrawn.

Copy of Salem court record of 27 : 9 : 1660, Mr. Edmond Batter v. Frances Ursellton. Debt. Defendant was not of this jurisdiction and judgment respitted. Copy made by Hilyard Veren, clerk. This court granted judgment to Mr. Edmond Batter, who bound himself to repay, if Frances Ursellton came within the year.

complain that she was very weary and spent with going so often to his house to look after her son, it being so far, and desired that he go to her house, etc.

Thamer Quilter's petition to the Ipswich court : Thamar Quilter, "being a poore ¶ widdow ¶ and hausing an only sonn left me by my Husband being desirous he might haue a trade was willing to put him apprentice for that end, unto William Buckley of Ipswich who hath kept him, while he was serviceable (tho not Impued him to the trade as he ought to haue done) but when by pvidence It fell out soe that he was made unserviceable to him, as he expressed himselfe soe to apprehend him ; after I had bene helpfull to him at his house about three weeke untill I fell soe Ill that I could not longer tend him, In w<sup>h</sup> tyme I observed his master to be soe harsh to him (tho the boy as is well knowne was in great extremitye) that greeved me to the harte who as was ap<sup>d</sup>hended (by some of good account in Towne) to be in great danger of his very life, by reason of the coldnes of the Roome and bad lockeing unto, & he sayeing to some he could not keepe him brought him my sayd sonn in a tumbrill to my house & there left him, not Inquireing of me whether I would receive him, and Indeed upon some considderations I was unwilling, yet being left in my house (tho : at that time very ill) had a mothers bowell yerneing toward my child, & did not turne him backe ; feareing ¶ he ¶ might perish, and after he had left him did take such care of him as that in all his extremity neither did come to see him or sent to see how how he did ¶ nor brought or sent any thing to releoue him ¶ about ten weekes, but when he heard he was mending then came to demand him severall times, but never tendering ¶ anything in ¶ satisefaction for the charge & paynes I had been at with him & his legg not being well I much feared if he returned, it myght soone be as bad as before, men of skill alsoe thinkeing to sitt to his trade by reson of humors falling downe it would not be for his health, And our Eldars being together could not pawad him (from sueing) to refer the case to Indiferent men." She also declared that Buckley had broken his covenant by not teaching him the trade and by returning him to her.

Nicolas Marble v. Corpall. John Andrews. Debt.

John Godfry v. Abraham Whittaker. For not delivering a pair of oxen about three years since, according to agreement. Nonsuited.\*

John Godfry v. Abraham Whittaker. Debt. For twenty-six bushels of wheat. Nonsuited.†

John Godfry v. Edward Clarke. Debt. For several parcels of cloth he had of plaintiff. Nonsuited.‡

Joseph Armitage v. Thomas Looke. Debt. Due by bond, assigned by Jonathan Hudson.§

\*Abraham Whiteckers bill of costs, 15s.

Edward Yeamons of Haverill testified that about three years since, he heard Abraham Whittaker promise John Godfry a pair of oxen, to be delivered within three weeks, and that they were due to said Godfrey for debt. Sworn, 22: 1: 1660, before Simon Bradstreet.¶

Job Tyler, aged about forty years, and Moses Tyler, aged about nineteen years, deposed the same as the foregoing. Sworn, Jan. 15, 1660, before Daniel Denison.¶

Goodwife Tyler of Andover, aged about forty years, deposed the same. Sworn, 26: 12: 1660, before Simon Bradstreet.¶

Abraham Whitticker's bill of costs, 17s. 6d.

†Summons to Job Tyler to appear in this case, dated, Mar. 17, 1660, and signed by Edward Fawkner,¶ for the court.

John (his mark) Godfrey of Andover acquitted Abraham Whitticker and his sureties on 5: 9: 1659, as follows:—For pay for a yoke of oxen, which were granted to said Godfrey by judgment of the Ipswich court in the spring of 1657; concerning the second and third payments for the yoke of oxen, Henry Palmer and Abraham Whittaker were acquitted; concerning thirty-one bushels of wheat granted by judgment of Salem court against said Whitticker and his surety, Edward Clark; concerning five bushels of wheat, which was on the back side of a bond that Hugh Sharret was surety for, etc. Wit: Jno. Viall¶ and John Fernside,¶ who were sworn at Boston, Sept. 28, 1660, before Thomas Danforth.¶

‡Edward Clark's bill of cost, taking the case out of Haverell court, etc., 21s.

§Copy of Salem court record of 27: 9: 1660, in which Thomas Looke, defendant, forfeited his bond for non-appearance, in an action brought by Joseph Armitage, for debt, for wheeling nine hundred cords of wood, etc. Copy made by Hillyard Veren,¶ cleric.

¶Writ: Joseph Armitage v. Thomas Looke; debt due by bond, assigned by Jonathan Hudson, constable; dated, Jan. 14, 1660;

¶Autograph.

Mr. John Baker v. Edward Colcord. Debt. Defaulted.

Corpall. John Andrews v. Edward Colcord. Debt. Defaulted.

Oliver Purchase v. Thomas Lookes. Breach of covenant. Non-suited.

Capt. William Gerish was sworn commissioner to end small causes at Newbury.

Major Willm. Hathorne and Mr. Edmond Batter were sworn commissioners for Salem.

Daniell Perce had his fine abated [for not appearing to serve on the grand jury.—*Waste Book.*].

Mr. John Gedny, administrator of the estate of Samuell Curwithy, was discharged, having settled the estate according to the inventory.

Thomas Jones, sr. of Gloster was freed from ordinary training, paying 5s. yearly for the use of the company.

Corpall. John Andrews acknowledged judgment to Humphry Griffen.

Maximillian Jewett renounced his executorship to the will of Mr. Joseph Jewett.

Stephen Swett of Newbury was granted a license to keep an ordinary and draw wine and liquors for a year.

Mr. Baker of Ipswich had his license renewed for one year.

William Law of Rowley had his license renewed to keep an ordinary and draw wine and liquors for one year.

Richard Fitt of Newbury was released from ordinary training, paying 6s. yearly for the use of the company.

John Palmer and John Johnson of Rowly and Cornelious Waldo of Ipswich were made free.

Nehemyah Jewett, son of Joseph Jewett, chose John Pickard for his guardian, and it was allowed by the court. Said Pickard was bound in 300li.

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signed by William Longley,\* for the court; and served by Jonathan Hudson,\* constable of Line, by attachment of defendant's estate in the hands of Mr. Parchis, and his dwelling house.

Bond of Thomas (his mark) Lookes of Lyn to Jonathan Hudson, constable of Lyn, dated, Nov. 21, 1660, for his appearance at the next Salem court. Wit: Joseph Jencks.\* Jonathan Hudson,\* constable of Line, on Nov. 29, 1660, assigned this bond to Joseph Armitage.

\*Autograph.

Copy of Salem court record of 27: 9: 1660, Mr. John Payne v. Frances Ursellton. Debt. Defendant was not of this jurisdiction and judgment respitted. Copy made by Hillyard Veren, clerk. This court granted judgment to Mr. John Paine, etc.

According to law, John Godfry, upon a half entry, was allowed to proceed in an action in which he was nonsuited.

John Godfry v. Abraham Whitaker. For not delivering a pair of oxen about three years since, according to promise. Jury found for defendant.

James Jackman of Newbury and Sam Pod were freed from training, paying 6s. yearly to the use of the company.

Richard Kent of Newbury and Richard Thurill were released from ordinary training, paying 8s. yearly to the use of the company.

Nicolas Marble of Ipswich was released from ordinary training, paying 3s. yearly to the use of the company.

Will. Tenny, constable of Rowley, was allowed 12s. for "hue & cryes."

Daniell Clarke, constable of Topsfield, was allowed 14s. for "hue & cryes."

William Bingley was ordered to be whipped for fornication.

Patience Jewett chose Mr. John Carlton as her guardian, and the court allowed it. Said Carlton bound himself for a true account of his sister Patience Jewett's portion.

Thomas Wheeler and Andrew Mansfield certified that Edward Richards appealed to this court from the commissioners of Lynn, and did not prosecute.

Isaiah Wood, complained of for shooting a dog and other misdemeanors, was ordered to be whipped or pay a fine of three pounds. He choose to pay the fine and was bound to good behavior. Sureties: Symon Tompson and Abraham Fitt.\*

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\*John Leigh, jr., deposed that one night, being about to shut up his father's cattle, and there being some of Esay Wood's cattle among them, he endeavored to separate them, and therefore set a little dog upon them. Said Wood, seeing the dog, ran presently into his house and brought out his gun, which deponent thought at first was a great stick until he saw him about to cock it. Then deponent saw what it was and ran to save himself and standing behind a post, he saw him shoot immediately, being in great danger of the shot which grounded by him. He shot the dog, and upon deponent's mother and himself asking why he did so, he took

Shoreborne Willson, complained of for abusive carriages, and striking the wife of Robert Dutch, was fined and bound to good behavior. Part of the fine respitted until the next court.

John Perly, complained of by Tho. Poore of Andover, upon suspicion of felony for taking his mare, was bound to good behavior for appearance at next Ipswich court, and ordered to pay costs to Tho. Poore. Sureties: John Baker, sr., and John Kimball.

Richard Hutton and Thomas Baker were fined, upon their presentments, for smoking tobacco in the street on the Sabbath day.

Mr. Ezekiel Rogers and his wife were fined, upon their presentment. Respitted until the next March.

Mr. Willson, prison keeper, allowed 3li. 7s. for his salary and for "hue & cryes."

Selectmen of Ipswich gave notice to Daniel Grasier and John Morill, Irishmen, that they were not willing to receive them as inhabitants, and they not removing, complaint was made to this court. Matter was referred to the next court.

John Pindar was released from ordinary training, paying 5s. yearly to the use of the company.

Moses Pengry had his license renewed to keep an ordinary and draw wine and liquors.

Mr. Robert Payne, treasurer, brought in his account, and it was accepted.

Five shillings were given to the house.

[William Odry died intestate, and administration on his estate was granted to Mr. George Corwin and Mr. Edmund Batter, who were ordered to bring in an inventory.—*Waste Book.*]

COURT HELD AT IPSWICH, May 2, 1661, BY ADJOURNMENT.

John Sorlar of Wennam was licensed to keep an ordinary and to draw wine and liquors.

Cornelious Waldo was released from being a trooper, paying 6s. 8d. yearly to the use of the foot company.

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up a stick, shook it at them and went his way. The next morning, said Wood asked if the dog were dead, and deponent answered no, but he thought he would die. Wood bade Leigh to be content with that, for the next would be worse. Deponent further said that his father had often been abused, sometimes having his cart thrown over, his cart rope cut into small pieces and his cattle turned loose in the barn in the night when there was corn on the floor. Sworn in Ipswich court.



Elizabeth, wife of William Bingly, upon her presentment for fornication, was ordered to be severely whipped.

Mr. John Carlton was discharged of his presentment, it being not proved.

Abner Ordway, upon his presentment for theft, was ordered to sit one hour in the stocks, and pay costs.

William Nelson, upon his presentment for drunkenness, was fined.

Upon Henry Bachelour's presentment, it was ordered that the matter be referred to the General Court for power for the town to dispose of him and his farm, in order that he might live in the town, enjoy his estate and the public worship of God.

Richard Carr, upon his presentment for taking tobacco in the street, was fined.

John Powlan was allowed costs in the case of Mr. Thomas Pellam and Sarah Kellam.

Nathaniell Tredwell and Mr. Crosby, upon their presentments for smoking a tobacco pipe in the street, were fined.

Mathew Moore, upon his presentment, was admonished.

Daniell Ringe of Ipswich was licensed to keep an ordinary, but not to draw beer above a penny a quart, and to provide meat for men and cattle.

Town of Ipswich, upon the presentment for the bridge being defective, was discharged, it being since mended.

Edmond Bridges was released from training, except twice a year.

Joseph Medcalfe, upon his own request, and promising to be more wary for time to come, had his sentence of Mar. 27, 1660, revoked.

#### COURT HELD AT SALEM, 25: 4: 1661.

Judges: The Worshipfull Mr. Symond Bradstreet, Mr. Samuell Symonds, Major Generall Danyll. Denison and Major William Hathorn, assistant.

Jury of trials: Jeffery Massey, John Gardner, Joseph Gardner, John Ruck, John Putnam, John Rayment, John Pickerin, Capt. Tho. Marshall, Nathall. Hanford, John Witt, Robert Gowing and Clement Coldum.

Grand jury: Natha. Felton, Henry Skerry, Henry Herrick, John Neale, Samll. Eborne, John Deacon, John Devorix, Nicho.

Vincent, Phineas Fisk, Hewgh Burt, Thaddeus Redding, Adam Haukes, William Meriam and William Steevens. In the place of Jon. Putnam, Oliver Purchass. In the place of Jon. Gardner, Tho. Marshall, in some actions.

Mr. Georg Emory v. John Norman, sr. For not finishing a house according to agreement. The attachment, with other evidence produced in the case, was read, committed to the jury and placed on file. Verdict for plaintiff, 5li. damages, and 5li. more if the whole work according to agreement be not finished in two months' time.\*

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\*Writ: Mr. George Emorye v. John Norman, sr.; for not finishing a house according to agreement; dated, June 2, 1661; signed by Hillyard Veren,† for the court; and served by Samuel Archard,† marshal of Salem.

George Emry's bill of charge, 1s.

Mr. John Geedney and Mr. Phillip Cromwell deposed, 22: 1: 1660-61, that some time the past summer, John Norman and Mr. Emery of Salem made an agreement by which said Norman was to set up a gable end upon the old part of Mr. Emery's house, shingle the east side of the house and set up weather boards, Mr. Emery providing them, for which, with work done before, said Norman was to have a young ambling mare and her colt, if she had any, etc. Sworn before Wm. Hathorne.†

Agreement, dated, 14: 6: 1658, between Mr. Gorge Emery of Salem and John Norman of Manchester, house carpenter: The latter was to build a porch, 7 feet, 4 inches stud, 8 foot of frame, braced and tenneted into the stud, juttet over 14 inches three ways and to cover it, shingle the gutters, make one window and door, and stairs into both chambers, make one gable end eleven foot broad and to cover it and shingle the gutters and a clear story window for the gable end and a stool window according to the lower window, three floors of boards in the new room and three floors of boards in the porch, and make three doors, and to have all completed within two months from date; and to find boards and clapboards to finish the work; for which Norman was to receive 12li. and a gray mare going on two years old, appraised at 12li., or the saddle mare at 16li. Signed by George Emery† and John Norman.† Wit: John Beckett.†

John Norman's account of work done for Mr. Emery: For bulding of a porch, 6li. 10s.; 2000 of bowrds and working of them, 8li.; 250 clapbowrd and working of them, 1li. 10s.; 6000 of shingells & laying of them, 6li. 12s.; seting up of a Gabellend, 1li. 10s.; making of 3 windowes, 1li.; makeing of 3 dowers, 5s.; makeing of a pare of stayers & layin of them, 10s.: total, 25li. 17s.

†Autograph.

John Norman v. Mr. George Emorye. For not paying for work done by him, etc. Verdict for defendant.\*

John Hathorne v. Saml. Eldridg. For withholding a cow from plaintiff or not giving account of the said cow to Mr. Edward Layne. Verdict for defendant.†

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"The work that was donn abouesd writeing yet was at my owne cost and charg to bring yet to Place as allso yet is my desyere that this honored Cowrt wold be Pleased to take notiyes Consering the Pay mentioned in the Coueneant which was a gray mare at such an agh that is to say 2 yere and the aduantadgh at 12<sup>u</sup> Prie I was to receue her at which M<sup>r</sup> Emerey sowld to John Ledge of maruell hed or elle my request is that my worke donne may bee Pryed and that I may haue Pay acowrdinly as all so my desyere is that mistres Emerey may be exememined Consering w<sup>t</sup> she knowes about the bargen becawes I am loth to bring her forth in regard of her husband."

\*Writ: John Norman, sr. v. Mr. George Emory; for not making payment to said Norman according to agreement; dated, June 6, 1661; signed by Hillyard Veren, † for the court; and served by Samuel Archard, † marshal.

William Browne † certified, 25: 4: 1661, that he paid to John Norman on 6: 1: 1659, for Mr. Emery, 3li. 20s.

Nathanell Carrill, aged twenty-three years, deposed that last year the ambling mare that he took up for John Norman had a colt, which was killed in a swamp near his master James'. Sworn, 25: 1: 1661, before Wm. Hathorne. †

†Writ, dated, Apr. 10, 1661, signed by William Longley, † for the court, and served by Edward Richards, † whom Samuella Archard, † marshal, appointed his deputy.

Samuell Eldrid's bill of costs, signed by Willm. Hudson. †

Edward Richards deposed that when Mr. Hudson came to John Hathorne's house and demanded the bulls of deponent and said Hathorne, the latter asked him by what order he demanded them and Hudson replied that he bought them of Samuella Eldridg and had an order from him. Deponent asked to see it and he refused, but finally Will. Cotten persuaded him to read it, thus, "to Corporall Androwes deliuer my cattell that you wintered for mee unto Mr. Hudson." Said Hudson declared that he was not willing to read it because it was dated since the cattle were attached. Sworn in court.

Capt. Thomas Marshall testified that the second day after Mr. Hudson was at John Hathorne's to demand the bulls, Samuella Eldridg said that Mr. Hudson claimed that the cattle were too dear and that he must abate him four or five pounds, which he did. Sworn in court.

†Autograph.

John Hathorne v. Saml. Eldridg. Debt. Verdict for defendant.

Jonathan Hudson, constable of Lynn, aged about forty-four years, testified that Lieut. Hudson sent Jno. Viall to him to go down to John Hathorn's to replevin four bulls of Lieut. Hudson's which he bought of Sarjeant Eldred. Deponent demanded the bulls of Edward Richards, who said he was the marshal's deputy, but he refused to show them to him. Sworn, May 1, 1661, before Edw. Rawson, recorder. Copy made by Edw. Rawson,\* recorder.

Wm. Cotton, aged about forty-eight years, deposed that he was at Lynn the thirteenth of the second month with Lieut. Wm. Hudson, etc. John Viall deposed the same. Sworn in court, May 1, 1661, before Edward Rawson,\* recorder. Copy made by Edw. Rawson,\* recorder.

John Andrewes, aged about thirty-two years, deposed that Samuell Eldred put six young cattle to him to winter, four bulls and two heifers, and upon Apr. 12 last, Mr. John Hawthorne sent to his house Richard Hud and his boy, as Hud said, for these bulls, which deponent refused to deliver until he had an order from Samuell Eldrid. Presently Edward Richards and some others came and drove away the bulls, and as said Richards showed his power as deputy marshal, deponent could not prevent him. On Apr. 13, Lieut. Hudson came to see the cattle, saying he had bought the four bulls and one of the heifers of said Eldrid, etc. Sworn, May 1, 1661, before Edw. Rawson, recorder. Copy made by Edw. Rawson,\* recorder.

William Longley, aged about forty-seven years, testified that upon Apr. 13, he was at work in his lot at home, when Mr. Cotton and Mr. Viall came and asked him if he had granted an attachment upon any cattle that had been Samuell Eldridge's. Deponent said he did grant to Mr. Hawthorne attachments against said Eldridge, on Apr. 11. A short time after Mr. Viall came to his house and said that Lieut. Wm. Hudson desired him to meet him at Mr. Hawthorne's, and when he arrived, Hudson said, "Now Mr. Hawthorne here is the Clarke of the writts, whether will you set him to work or shall I." Hawthorne said he would not, and Lt. Hudson desired deponent to replevin four bulls of his that John Hawthorne had attached, which was done, etc. Sworn in court, May 1, 1661. Copy made by Edward Rawson,\* recorder.

Bill of sale, dated, 9 : 2 : 1661, Samuell Eldrid, now inhabitant at Rumney Marsh to William Hudson of Boston, for four heifers, three cows and four bulls. If the cattle were all alive and well where they were wintering, on 9 : 2 : 1661, said Hudson was to run the hazard of them afterward, but if any were sick or wanting or infirm, said Eldred was to make them good. Signed by Samuell

\*Autograph.

Leift. Hudson appeared as attorney for said Eldridg in the two foregoing actions.

John Hathorne v. Edward Colcord. Debt. For not delivering 6,000 feet of board according to agreement. Defendant and his surety, Georg Halsell, forfeited their bond for appearance.\*

John Hathorne v. Mr. William Bartholmew. Slander. For accusing plaintiff of altering the attachments the clerk signed against Samll. Eldridg, in saying in open court at Boston that there was no marshal's deputy in said attachment, when the clerk of the writs signed them, according to attachment, dated, 6: 3: 1661. Verdict for defendant. †

(his mark) Eldrid. Wit: Walter Bourke and John Viall. Sworn, Apr. 20, 1661, before Jo. Endecott, Gov. Entered and recorded on page 251 of the third book of records of the notary public of the Massachusetts Colony of New England, by Robert Howard, notary public. Copy made by Edward Rawson, ‡ recorder.

\*John Hathorne's bill of costs, 11i. 15s.

†Writ, dated, May 6, 1661, signed by Francis Johnson, † for the court, and served by Rich. Wayte, † marshal of Boston, by attachment of the dwelling house and land of Mr. William Bartholomew of Boston.

William Bartrom and Edward Richards, each aged about forty years, testified that in court at Boston in the action of John Hathorne v. Will. Hudson of Boston, concerning four bulls, Mr. Will. Bartholmew pleaded that the attachments used by Edward Richards in arresting the cattle had not the marshal's deputy on it when the clerk of the writs signed them, instancing Will. Longley. That Bartholmew further said it was done by such as wanted work to serve attachments by being a deputy when he had no authority, and desired the court to take notice of it that such things should not be suffered. Will. Longley affirmed in open court that when he signed, there was no deputy's name on them, but that they were addressed to the marshal of Salem or constable of Lynn. Sworn, 17: 3: 1661, before Hilliard Veren, † cleric.

Thomas Bancrauft deposed the same. Sworn in court, before Hilliard Veren, † cleric.

William Bartholomew § appointed his loving brother, Henry Bartholomew, his attorney, on 14: 4: 1661, to defend him in this action. Wit: Jno. Croade † and Elias Stileman. † Henry Bartholmew † appointed Mr. John Gardner in his place on 25: 4: 1661. Wit: Willi. Hollingworth † and Willm. Hudson. †

†Autograph.

§Autograph and seal.

John Hathorne v. William Longly and Joane, his wife. Slander. In saying that plaintiff had put more into a writing than should be, and that it was forgery. Verdict for plaintiff.\*

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\*Writ, dated, May 6, 1661, signed by Frances Johnson,† for the court, and served by William Bartrum,† constable of Lynn, by attachment of the dwelling house and land, two oxen, two cows and two calves of defendant.

Writ, dated, June 17, 1661, signed by Hillyard Veren,† for the court, and served by William Bartrum,† constable of Lyn, by attachment of the dwelling house and land of defendant.

John Hathorne's bill of cost against the wife of William Longlye, 1li. 15s. 10d.

William Longley's bill of cost, 1li. 10s.

Mary Browne, aged about twenty-four years, deposed that the wife of William Longlye said to her that if John Hathorne had attached a cow or so, it would not have been much, but to attach all that they had was more than he need to have done. Deponent said "I suppose he esteemes his name more than all your estate," and she replied "Is his name so good?" or "What is his name worth, has he redeemed his name?" speaking in a seemingly slight and derisive manner. Further speaking about that which Andrew Mansfeild had said against said Hathorne, she said, "What was that, a great peece of busines," and the whole drift of her discourse was in a slight, disesteeming of his name and reputation. Sworn in court, 25: 4: 1661, before Hilliard Veren,† cleric.

Izake Ong, aged about twenty-five years, testified that, being in the house of Richard Haven in Lynn, he heard the wife of William Longlye say that John Hathorne had put into an attachment more than was in it when her husband signed it, that said Hathorne signed it and that he was in trouble for it, so her husband said; moreover, that it was forgery and the magistrate checked him for it, etc. Sworn in Salem court.

Susana Haven, aged about thirty-seven years, testified that the wife of Will. Longlye came to her husband's house the week of Boston county court last, etc. Sworn in Salem court.

Mathew Armstrong, aged about twenty-seven years, deposed concerning Longley's testimony at Boston court. Sworn, June 18, 1661, before Ri. Bellingham,† Dept. Govr.

Jonathan Hudson, aged about forty years, deposed that Longley testified at the Boston court that he did not see any Marahal's deputy in the attachment, but he would not take his oath until they showed him the paper, etc. Sworn in Salem court.

John Andruff, aged about thirty-three years, Samuel Benett, sr., John Sunderland, aged about forty-three years, and John Viall, aged about forty-two years, deposed the same. Sworn in Salem court.

†Autograph.

Town of Lynn, by their selectmen v. William Longly. Review upon a judgment granted at last Ipswich court, for forty acres of land or 40li. damages granted to said Longly.

John Hathorne v. William Longly. Slander. For accusing plaintiff of altering the attachments he signed against Samuell Eldridg, in saying in open court at Boston that there was a marshal's deputy in the said attachments when he signed them. Withdrawn.

Thomas Brown v. Tho. Welman. For not making good two parcels of land, according to covenant. Judgment for defendant.\*

Matthias Farrington v. Henry Ingalls. For taking up a mare of his, contrary to law without his order, keeping her in his custody and not delivering her when she was demanded nor making any restitution. Withdrawn.†

Richard Waite, aged about sixty-one years, and William Cotton, aged about fifty years, deposed, June 8, 1661, that hearing the pleas and debates at Boston county court last April in the action between Capt. William Hudson of Boston and Mr. John Hathorn and Edward Richards of Linn, etc. Sworn, 8: 4: 1661, before Thomas Savage,‡ commissioner.

Capt. William Hudson affirmed to the truth of the foregoing, 20: 4: 1661, before Humphrey Atharton.‡

\*Summons, dated, June 26, 1661, to Andrew Mansfeild, Jonathan Hudson, John Knight and Edward Richards, as witnesses and signed by William Longley,‡ for the court.

‡Writ, dated, May 30, 1661, signed by William Longley,‡ for the court, and served by Thomas Chandler,‡ constable of Andeaver.

Ralph Kinge, aged about twenty-two years, deposed that he was at Andeaver when he heard John Lewis demand of Henry Ingolls a mare of Mathias Farrington's to take her home to Lynn. Ingolls answered that she was not at home but was well, and that he did not deny the mare, but would speak with Goodman Farrington first. John Lewis also testified that he had an order to bring the mare to Lynn. Sworn in court, before Hilliard Veren,‡ cleric.

John Aslot and John Barnard, aged about eighteen years, deposed that the mare that Henry Ingalls took up had a brown tail, a little slit on the top of the near ear and meally legs, etc. Sworn, 24: 4: 1661, before Simon Bradstreet.‡

John Barkeer, aged between sixteen and seventeen years, deposed that Mathias Farrington told him that his mare had a black tail, mane and legs and was marked with a slit on the ear and a piece cut out about half an inch long. Sworn, 24: 4: 1661, before Simon Bradstreet.‡

‡Autograph.

Johanna Marshall deposed that Mathyas Farrington agreed with her to bring the mare, and her husband agreed to the same. "I sent my Son with John Bread and Henery Ingolls was not at home. Afterwards henry Ingolls coms to our hows I askt him if he would delliner mat Farrinton mare he sayd noe except he would com and pay for the wintering of her he sayd tell mathy his mar is well and fare with folle and four pound better then when I did take her oupe." Sarah Marshall deposed the same and further declared that Ingolls said he would hire the mare of Mathy Farington. Sworn in court, before Hilliard Veren,\* cleric.

John Godfree, aged about thirty years, deposed that Farington and Godfree were discoursing about the stray mare that Henry Ingalls took up, and Farrington told Godfree to tell said Ingalls to send him the mare. Upon being questioned Farrington said he had never seen the mare. Sworn in court.

Stephen Johnson, aged twenty-one years, deposed that Farrington told Tho. Johnson that he had never seen the mare, but got some one to brand her. Sworn, 24 : 4 : 1661, before Simon Bradstreet.\*

John Godfery testified that Goodwife Marshall said she could speak nothing of her knowledge concerning the mares, but what she heard others say. Sworn in court.

John Carr, aged about twenty-two years, deposed that he heard Thomas Johnson ask Mathias Farengenton if he ever saw this mare, etc. Deponent was with Henery Ingolls when Farrington came to him to see the mare, which was then in the woods, etc. Sworn in court.

Sergeant Osgood, aged about thirty years, deposed that a stray mare came with the horse of Francis Ingals of Lyn to Henry Ingalles, and the latter said that she was with his uncle's and asked what he should do with her. Deponent answered that he should take her up and give notice to the constable to cry her according to law, which he did. Deponent and Steven Osgood, his brother, helped catch her and appraised her at eight pounds and a mark, etc. Sworn in court.

Steephen Osgood, aged about twenty-two years, testified that Goodman Marshal said that Mathias Farington told him that he had his mare, and Marshal added that this was Goodwife Catlines mare by all relations. Sworn, 24 : 4 : 1661, before Simon Bradstreete.\*

Edman Farington, aged about three score and seven, deposed that his son, Mathew Farington, lost a young mare of about two years old in the wood last November twelfth month. She was a bright bay, branded on the near shoulder and on top of the near ear, and was wintered at deponent's house and his son's the winter before, he and his son living together. The marks were those of his son. John Farrington testified the same, and that he and his brother Mathew and John Brayd found the marks, etc. Sworn in court.

\*Autograph.



Michael Coombes v. William Shackerly. Debt due for portlidge. Withdrawn.\*

John Goss v. William Shackerly. Debt due for portlidge. Withdrawn.†

Andrew Mansfeild v. Edward Richards. Slander. For charging plaintiff with taking a false oath in the testimony he gave in behalf of the town against said Richards at Mr. Laton's house, before the commissioners of Lynn at their court held in November last. The said Richards also said that the oath that the said Mansfield had taken, he would prove to be false. Verdict for plaintiff.‡

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Jno. Farrington and Jno. Bread deposed that the mare was Matthyas Farrington's, etc. Sworn in court.

Thomas Marshall deposed that Goodman Ingalls told him at Andiver that he intended to make a stray of the mare by putting a withe about her neck. Deponent told him he must also cry her and Ingalls said he would go to the constable for there would be a town meeting before very long and then he would cry her. Sworn in court.

Thomas Johnson, aged about twenty-seven years, deposed. Sworn in court.

John Farrington deposed. Sworn in court.

John Brayd deposed that he heard Goodman Foster of Andiver say that he did not cry this mare. Sworn in court.

John Farrington deposed that Goodman Foster said that he was not asked to cry the mare until two months after she was taken up, and later was forbidden, etc. Sworn in court.

\*Writ: Michell Combe v. William Shackerlie; debt for portlidge; dated, June 1, 1661; signed by Fra. Johnson,§ for the court; and served by William (his mark) Nicke, constable of Marblehead, by attachment of fish to the value of seven pounds, and taking bond of Mr. Corwin for payment of same.

†Writ: John Gosse v. William Shackerlie; debt due for portlidge; dated, June 1, 1661; signed by Fra. Johnson,§ for the court; and served by Will. (his mark) Nicke, constable of Marblehead, by attachment of fish to the value of seven pounds, and taking bond of Mr. Corwin for payment of same.

‡Writ, dated, June 18, 1661, signed by William Longley,§ for the court, and served by Jonathan Hudson,§ constable of Lyn, by attachment of house and land of defendant.

George (his mark) Taylor of Lynn deposed, at Lynn, June 24, 1661, that during the year when brother Andrew Mansfeild was constable, Edward Richards was in his debt, 10s. 6d., and that he came to his house and brought a bill of 10s. 6d. from the select-

§ Autograph.

Christopher Nicholson, for himself, and also as assignee of Elizabeth Nicholson, administratrix of Edmond Nicholson, deceased v. John Devorix. For withholding or not giving an account of the disposing or delivery of the said Ed. Nicholson and company's fish in the spring voyage of 1660, said Devorix being master of the voyage. Verdict for plaintiff, the defendant to give a true account within twenty days. Appealed to Court of Assistants. Mr. Edmond Batter bound for said Devorix appearance.\*

men which brother Andrew Mansfeild was to pay him upon the town's account. He asked deponent to take the bill and to receive of said Mansfeild the amount which Edward Richards owed him. So they went to Mansfeild's, and Richards told him to pay deponent and the latter might have had it then in corn, but being indebted to Farmer Hawkes for keeping cattle, he desired that it remain with brother Mansfeild to pay, making the latter his paymaster. Wit: Will. (his mark) Clarke and Marye (her mark) Clarke, wife of Will. Sworn in court.

Bray Wilkins testified that at a commissioners' court held at Mr. Laughton's at Lynn, in a case between Andrew Mansfeild and Thomas Wheeler, as selectmen, and Edward Richards, said Mansfeild gave in testimony concerning the amount paid to said Richards, the latter testified that all that he said was false. Sworn in court.

Thomas Newhall, jr., deposed. Sworn in court.

James Axey and Thomas Wheeler deposed that Edward Richards was called before the commissioners' court at Lynn, concerning not carrying out his agreement with the townsmen about repairing the turret on the meeting house. Andrew Mansfeild testified that he paid him, when constable, for the work. Later Richards said that Mansfeild's oath was false, and appealed to Ipswich court. Sworn in court.

Andrew Mansfeild's bill of charges, 1li. 17s. 6d.

Robt. Mansfeild of Lynn deposed. Sworn in court.

\*Writ, dated, June 10, 1661, signed by Hillyard Veren,† for the court, and served by Will. (his mark) Nick, constable of Marblehead.

" M<sup>r</sup> Corwin

" s<sup>r</sup> my part of the 65 Quintells of mar<sup>ch</sup> fish which M<sup>r</sup> felder Receued the 14<sup>th</sup> June 1660 is thirty six pounds sixteen shillings and nine pence

" Y<sup>r</sup> to use

" 15 June 1660

Edmon Nickolson."†

Edmon (his mark) Nickolson's receipt dated, June 15, 1660, to John Devericks, for 16li. 3s. 3d.

†Autograph.

Danyell Rumboll, Mark Bacheldor and Tho. Fisk v. Edmond Towne. For illegally detaining a parcel of meadow lying by or bounding upon a meadow, sometime Mr. Pembleton's.\*

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" Reckoned this 15 June 1660 with Edmon Nickolson and I haue paed my part of all Charges and there is due to me twenty three pounds nine shillings.

" Richard Read.†

" I will pay you for Edmund Nichlison twenty three pownd nine shillings this 17<sup>th</sup> 4<sup>th</sup> m<sup>o</sup> 1660 for me William Browne."†

Christopher Nickerson's charges, 2li. 2s.

Christopher Latamore, aged about forty-three years, deposed that he heard Jno. Devericks say that he was master of Edmond Nicklinson's voyage now in controversy, and deponent culled all the fish, Devorix or his wife taking account of it, and also receiving the money for the refuse fish which was sold to Mr. John ——. Sworn in court, 28 : 4 : 1661, before Hilliard Veren,† clerk.

William Nick, aged about thirty-five years, deposed that he saw Nicklinson and his company heave their fish into Jno. Deverick's stage during the voyage, etc. Sworn in court, 28 : 4 : 1661, before Hilliard Veren,† clerk.

Joseph Nicklinson, aged about twenty years, deposed that he was employed in the said voyage at John Devorick's command. Sworn in court, 28 : 4 : 1661, before Hilliard Veren,† clerk.

William Nick and Hugh Dickman deposed that on the 15th of the instant month they heard John Devirick say that there was belonging to the voyage now in controversy, delivered to Mr. Fildor, eighty odd quintals of fish. Sworn in court.

John Devorix and his wife deposed that they delivered the receipt, which was given them by the master of the ship, Mr. Fielder, for eighty-five quintals of fish, to Edmund Nicolson in Mr. Brading's shop, where the reckoning was made. Ann Devorix delivered it with her own hands. Sworn in court.

John Furbush testified that he heard John Divirick say that he could give a list of twenty pounds and upwards that was due to Goodwife Nicklson, if he would. Sworn in court.

John Devorix testified that the account made by Mr. Braden was correct and all agreed. Also that Nickolson gave deponent and Richard Read a note by which to receive their shares.

John Furbish, aged about thirty-four years, deposed that he saw Edmond Nicklinson and his son Christopher and Richard Reed throw fish into Jno. Devirick's stage and the latter split it and took possession of it. Sworn in court.

James Brading deposed. Sworn in court, 27 : 4 : 1661, before Hilliard Veren,† clerk.

\*Writ, dated, 16 : 4 : 1661, signed by Tho. Fiske,† for the court,

†Autograph.

Walter Fairefeild, heir to John Fairefeild, late deceased v. Richard Hutten. For withholding from him a parcel of land of about eighteen acres, which was sold by Mr. Samuell Smith to said John Fairefeild, now in said Hutton's possession. Verdict for defendant.\*

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and served by John Willd,† constable of Topsfield, by attachment of nine acres of land.

\*Writ, dated, 9: 2: 1661, signed by Tho. Fiske,† for the court, and served by John Poland,† constable of Wenham.

Hutten's bill of costs, 1li. 5s. 4d.

"Walter Fairefeild of Redding in y<sup>e</sup> County of Middlesex, Turner, doth laye clayme to eighteen Acres of land, which was formerly bought of M<sup>r</sup> Samuell Smith, deceased, by John Fairefeild deceased, together with a house upon y<sup>e</sup> same, but since decayed and falen downe, which sayd land is now in y<sup>e</sup> possession of Richard Hutten, & is scittuate & lying in W[enham] & was pt of y<sup>e</sup> said Smiths farme, graunted by y<sup>e</sup> towne of Salem (ordinaryly accounted soe) towards y<sup>e</sup> north side of y<sup>e</sup> sayd farme, & is bounded on y<sup>e</sup> east with a strip of meadow adjoyning to y[<sup>e</sup> Riuer] & with a swamp one the south, & on y<sup>e</sup> west with [an] old Contry Highwaye, & on y<sup>e</sup> north with a stripp the sayd Smithes farme, this 27<sup>th</sup> of march 166[1], entered p me Hillyard Veren Recorder." Copy taken out of the records at Salem by Hillyard Veren,† recorder.

Agreement between John (his mark) Fairfield and Thomas Smyth,† dated, 7: 2: 1641, to "chang each with other for 18 Ackers of Land with A house upon each 18 ackers: & the housan to be both alike & what differance theare shall be in goodnes betwene them shall be allowed unto him that two men shall cast it: & for soe much Land as is broken up in the said John Fairfields ground the other ptie is to break up as much in y<sup>e</sup> other psell of Land before y<sup>e</sup> next winter & alsoe to allow him soe much fencing stufe againe & lickwise dung for y<sup>e</sup> manuring of y<sup>e</sup> land & for y<sup>e</sup> meadowe that did belong to Jeames Smith Along y<sup>e</sup> Riuer the said Joh fairfeld is to haue & y<sup>e</sup> medowe ground that did belong unto Samewell Smith the said Thomas Smith is to haue & for y<sup>e</sup> Confirming hearof both pties haue sett to thear hands this psent day Aboue written."

James (his mark) Smith, on 17: 10: 1640, acquitted and discharged John Fairfield of all demands for a house and ground bought of him by Mr. Joh. Fiske. Wit: William Browne.†

"— formerly† marryed the — ild, (deceased), whoe was then possessed — sband fayrfeild left, & when she — lfery not giueing in bond, for the — ldrens portions, according to the

†Autograph.

‡This paper is badly torn.

Samuell Symonds, gentleman v. Will. Downing. For absolutely refusing to serve his master, Mr. Simonds, any longer, there being

will of — and, & by the sayd will, the children — there seuerall portions, till — yeares of age, the sayd — be released of being charged with — to deliuer the same out of his hands — meet soe to order it, this Court taking — sideration, the sayd palfery being — the children viz . . . . nothwith — the Court found something difcult to be understood — will of the s<sup>d</sup> ferfeild, yet the sayd Palfery: and — children: freely consenting thereunto — Court did order as followeth: that all the housing & land — the s<sup>d</sup> ferfeild mentioned in his will, the s<sup>d</sup> palfery — old presently deliver up for the |soul| use| & behoofe| of the three children |foreuer| to be — ally devided betweene y<sup>m</sup> & alsoe — the sayd Palfery is to paye out of the goods that had — his wife Eliz: ferfeild to the value of 40<sup>s</sup> |to Walter: y<sup>e</sup> eldest| which is — understood more then 3<sup>li</sup> which he has alrede receued — sayd John being under age: doe make choyse of — brother the sayd walter to his Guardian: & the — enjaming: doe make choyse of his father in law Palfery to be — aurdian & is willing with him the said Palferye to dwell — he com to the age of one & twenty yeares, yf the s<sup>d</sup> Palfery — soe longe, whoe is to teach y<sup>e</sup> sayd Benjamin or cause him — taught to read & write & lastly y<sup>e</sup> sayd Palfery — abous<sup>d</sup> and for the use of the children as is above — ressed, together with the payment of the aboues 40<sup>s</sup> — sayd walter: he shalbe fully & wholly discharged of the — sayd estate or from any futer demands of the — children as in Relation to the aforesayd estate.”

Deed, Samuell Smyth\* to John Fairefeild, for 27li. 10s. “a certayne dwelling house & cowhouse situate in Salem a little off the great pond late in the possession of James Smith, purchased of him by william Fiske, & sold by the sayd william Fiske unto Samuel Smith aforesayd, together with the appurtenances to the sayd houses, with eighteen Acres of upland lying from the house nie east downe to the medowes & aboute 2 pole & an halfe on this side the |dwelling| house with free egress and regresse to the |spring — abutting| & certayne parcell of medow nie aboute 2 Acres by compute abutting upon the foresayd upland westward, & upon John Whitesland eastward.” Dated, 16: 9: 1640. Wit: John Fiske\* and William Fiske.\*

Indenture, dated, 11: 5: 1644, between Thomas Smyth\* of Gloster and Robert Hawes of Wenham, said Smyth, for 31li. 15s., sold to said Hawes his house, cowhouse and twenty acres of land adjoining the house and thirty acres more near the great swamp, butting upon John Whit on one side and Phineas Fisk on the other, also six acres of meadow lying in the great meadow, all the said

\*Autograph.

several years yet due, according to the purchase from the ship-master who brought him over to sell.\*

Saml. Symonds, gentleman v. Phillip Welch. For absolutely refusing to serve his master, Mr. Simonds, any longer, there being several years yet due, according to the purchase from the ship-master who brought him over to sell.\*

land lying in the town of Wenham. Wit: Danel Roubel,† Sarey (her mark) Rouble and William Dudbridg.†

Mathew Edwards, aged about twenty-nine years, deposed that the house now in possession of Richard Coye, which was late John Fairefield's, was built by Thomas Smith, as he said, upon an exchange, & also two akres of land lying before the house or betwixt the orchard and the highway were part of eighteen acres of land exchanged by Thomas Smith and Jno. Fairefield. More land was also laid out by Mr. Smith to deponent's uncle, John Fairefield, which he said was the rest of the land exchanged between himself and said Smith, and all of this land was afterward taken away by Ipswich at the running of the line, except two acres. Sworn in court.

Sarah Rumbal, aged about seventy years, deposed that her son, Thomas Smith, sold this house and land to Robert Hase, and that said Smith enjoyed it several years peaceably and quietly. Sworn in court.

Danell Rumbal, blacksmith, of Salem, aged about sixty-two years, deposed, 28: 4: 1661, that "About y<sup>t</sup> time that I was a sutter to the widow Smith y<sup>t</sup> is now my wiff Thomas Smith her sonn did dwell in a house situatt nere y<sup>o</sup> housse y<sup>t</sup> was m<sup>r</sup> Smiths which hous and land y<sup>o</sup> Aforsad Thomas mad Salle off to Robert Haws Now dwelling at Roxbery my hand being to y<sup>o</sup> deed as A wittness."

Richard Coye, aged about thirty-five years, deposed, 26: 4: 1661, that the eighteen acres of land was owned by Mr. Samuell Smith, who sold it to John Fayerfield, and it was part of the farm that the town of Salem gave the said Smith in Wenham. Also that Richard Hutten said that Walter Fayerfield should not have it unless he could recover it by law.

\*Writs, dated, May 15, 1661, signed by Robert Lord,† for the court, and served by Theophilus Wilson,† constable of Ipswich.

Samuel Symonds,† gent., complaint to Salem court, June 25, 1661, against his two servants.

Defence of William Downeing and Philip Welch: "We were brought out of o<sup>r</sup> owne Country, contrary to our owne wills & minds, & sold here unto M<sup>r</sup> Symonds, by y<sup>o</sup> master of the Ship, M<sup>r</sup> Dill, but what Agreement was made betweene M<sup>r</sup> Symonds &

†Autograph.

y<sup>e</sup> Said master, was neuer Acted by our Consent or knowledge, yet notwithstanding we haue indeaored to do him y<sup>e</sup> best seruice wee Could these seuen Compleat yeeres, which is 3 yeeres more then y<sup>e</sup> use to sell ym for at Barbadoes, w<sup>a</sup> they are stollen in England. And for our seruice, we haue noe Callings nor wages, but meat & Cloths. Now 7 yeares seruice being so much as y<sup>e</sup> practise of old England, & thought meet in this place, & wee being both aboue 21 years of age, We hope this hono<sup>e</sup>d Court & Jury will seriously Consider our Conditions."

The plaintiff's plea: That he had about ten acres of Indian corn to be tended and had to hire divers workmen; that during all this court time, his two servants, being all the men he had, were not working, and consequently all his cattle, fence and family were left destitute; that the bargain made between George Dell, the shipmaster, and the plaintiff was still in force, etc.

The jury reported a special verdict, that if Mr. Del's covenant be according to law, then they find service due from defendants to plaintiff until May 10, 1663; if not, they find for defendants. Judgment for plaintiff, Mr. Dell's deed legal, and said Downing and Welch to serve Mr. Symonds until 10: 3: 1663. Appealed to Court of Assistants. They promised to serve their master faithfully until the next court.

Bill of sale, dated, May 10, 1654, from George Dell,\* master of the ship Goodfellow, who "sould unto M<sup>r</sup> Samuell Symonds two of the Irish youthes I brought over by order of the State of England: the name of one of them is william Dallton: the other Edward welch, to serue him," etc., for the space of nine years, in consideration of 26li. in merchandable corn or live cattle, before the end of the following October. Wit: Georg Maning.\*

"17<sup>th</sup> of May 1654.

"Whereas in the writing aboue mentioned there was a pviso for good assurance, and seing that the younger youth in the said writing is called Edward, and that upon his arrivall at Ipsw<sup>ch</sup> such as doe well understand his language doe say he owneth his name to be Philip, And whereas divers english are put out apprentices who at the end of their terme are older then he wilbe; and for incuragment of his master in teaching him what he conceive may doe him good, and that it wilbe tyme soon enough to goe out of service & betake himself to mannage a family, It is agreed between the abovesaid George Dell and m<sup>r</sup> Samuell Symonds as followeth That two yeares more are added to the Terme of the said Philip who in the writing above is called Edward welch which maketh it eleven yeares from the day of the date thereof. And the said Samuell doth hereby accept of both the said youthes as having good assurance." Signed by George Dell.\* Wit: Joseph S[we]tt,\* Joseph —\* and Georg Maning.\*

\*Autograph.

Kelecrist Ros deposed that upon a Sabbath day night before the last March court, he heard William Douney tell Mistress Symonds that he would get free if he could, when he had served seven years. Further, he heard William and Philip tell their master on the morning that the constable came for them, that if he would pay them for their time until Salem court, they would stay with him, but Symonds refused unless they would give security. When their master first brought them home, deponent asked William what Philip's name was and he said it was Philip. Sworn, June 24, 1661, before Daniel Denison.\*

John King deposed that he "with divers others were stollen in Ireland, by some of y<sup>e</sup> English soldiers, in y<sup>e</sup> night out of theyr beds & brought to M<sup>r</sup> Dills ship, where the boate lay ready to receane them, & in the way as they went, some others they tooke with them against their Consents, & brought them aboard y<sup>e</sup> said ship, where there were diuers others of their Country men, weeping and Crying, because they were stollen from theyr friends, they all declareing y<sup>e</sup> same, & amongst y<sup>e</sup> rest were these two men, William Downeing & Philip Welch, and there they were kept, untill upon a Lord's day morning, y<sup>e</sup> Master sett saile, and left some of his water & vessells behind for hast, as I understood." Sworn in court, 26 : 4 : 1661, before Hilliard Veren,\* cleric.

John Downing testified that William Downing and Phillip Welch, with several of their countrymen, were taken up and stolen by the ship master or some one whom he hired. The ship-master, George Dill, was fain to go away and leave his water and much of his provisions behind for fear the country would have taken them from him. Sworn, June 24, 1661, before Daniel Denison.\*

John Downing further made oath that he knew that he and three or four others of his townsmen were taken up by force; that he did not know the two parties in question, but they said in the ship that they were stolen and brought by force.

Naomy Hull, aged twenty years and upward, deposed that one night before her master Symonds' servants, William and Philip, were arrested by the constable, they came into the parlor to prayer with the rest of the family, and Philip asked if Goodman Bragg's son was coming to plow tomorrow. Her mistress said she thought so, that he said he would consider it. Philip then asked who would plow with him and her mistress said, "One of you." Philip said, "We will worke with you, or for you, noe longer. Then said my m<sup>r</sup>, is it soe? What will you, play? Then both of them stood in it & expressed that it was soe, & that they had been with you (speaking to my master) longe enough. we have served you seaven yeares, we thinke that is longe enough; Then said my m<sup>r</sup> But we must not be our owne Judges; and said my m<sup>r</sup> you must

\*Autograph.



Mr. Frances Dane and Elizabeth, his wife v. John Godfery. Slander or defamation. In saying that Mrs. Dane would have given him five pounds to take a false oath, etc. Verdict for plaintiff.\*

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worke for me still, unles you run away. Then said william, we scorne to run away. Then said Philip, we will goe away, & leave you before your faces. Alsoe they did both speak to this purpose; If you will free us, we will plant your corne, & mende your fences, & if you will pay us as other men, but we will not worke with you upon the same termes, or conditions as before. (And this was upon m<sup>rs</sup> lake her asking of them why they would offer at such a tyme to goe away mentioning some words how my masters busines did lye my m<sup>rs</sup> having alsoe said, let them alone; now they are speaking let them speak their owne myndes) whereupon they answered as before. When my master had said come let us goe to prayer, Philip said you may go to prayer; we will speake more in the morning. And towards the end of ye discourse upon some occasion or question both answered & said it is soe, it is soe, they appearing resolute to leave my master as they had said. In the morning when the constable was at my masters howse (about the arrest) motion was made by the constable, or one that was with him, tending to pswade my master to let them alone, saying surely they will goe on in your busines. my master answered noe; unles they be secured." Sworn, June 15, 1661, before Daniel Denison.†

Mrs. Margaret Lake testified to the same, and also that Philip said in the morning that if his master would give him as good a portion as any of his children, he would serve out his time. Sworn, June 15, 1661, before Daniell Denison.†

Martha Trotter testified the same as Naomi Hull, and also that one of the Irishmen said one night that they would stay no longer unless their master showed them some other grounds. She heard Philip say to his mistress that now they had served seven years, they were under no authority of the country, etc. Sworn before Daniel Denison.†

Ralph Dix, Richard Nicolls and Samuel Younglove, deposed that they went with the constable of Ipswich, when he served the warrant on the two Irishmen, and that one of the latter asked to see by what authority he kept them. Mr. Simonds said if the constable would stay he would see, and he produced a writing, which, he said, was all he had to show for them. Sworn, June 23, 1661, before Daniel Denison.†

\*Bill of costs, 1li. 5s. 1d.

Goodwife Rus deposed that John Godfre said that Mistress Dan would have given him five pounds to swear falsely against deponent, etc. Sworn, 21 : 4 : 1661, before Simon Bradstreet.†

John Rus, aged about nineteen years, deposed that Mistress Dane

†Autograph.

Phillip Nelson, executor of Mr. Joseph Juet, deceased v. Tho. Perry. Appeal from the judgment of the commissioners of Wenham, given the first second day : 4 : 1661. Verdict for plaintiff, the former judgment reversed.\*

John Godfery v. Richd. Ormsby. Debt of 5li. 15s. in corn.†

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cried for madness because she could not have her will with his mother, Goodwife Russe, etc, Sworn, 23 : 1 : 1660, before Simon Bradstreet.‡

John Russe, sr., deposed concerning what John Godfery said to his wife, etc. Sworn in court.

\*Antipas Newman deposed that he heard Jno. Tod at one time and Ezekell Northend at another time acknowledge that they were bound with Mr. Jewet to satisfy Jno. Godfree for what Thomas Perry was indebted to the said Godfree. Sworn, 17 : 4 : 1661, before Samuel Symonds.‡

Philip Nellson's‡ reasons of appeal : First, because they gave more damages than the plaintiff sued for ; second, they decided the case against him without sufficient evidence ; third, because the damages exceeded 40s. which was contrary to law ; fourth, there was no proof of the receipt of it by Mr. Jewett, except by John Godfry, whom they do not consider a competent witness both in respect of his credit and because he spoke from hearsay ; fifth, it was not sued for till now, and there having been much dealing between Mr. Jewett and said Perry during the past eight or nine years, if there had been anything due it would have been discounted in his life time.

Phillip Nelson's bill of costs, 1li. 6s.

Copy of the records of the commissioners of Wenham, 2 : 4 : 1660, attested by Charles Gott,‡ Phinehas Fiske‡ and Robert Goweing :‡ Thomas Perry v. Phillip Nelson, executor to Mr. Jewet. Debt. For four bushels of wheat delivered to Harrrdses boat for the use of Mr. Jewet. Verdict for plaintiff.

John Emery, sr., deposed that about eight or nine years ago, Thomas Perry brought a parcel of about eight or nine bushels of wheat and eight bushels of rye to his house to be delivered to Mr. Jewet and John Tod, and when Harrrdses boat came to gather up corn at Newbery, deponent delivered the said wheat to Mr. Jewet's account and the rye to John Tod's, etc.

John Godfry deposed that Mr. Jewet told him that he received the wheat, but that Perry owed him a great deal more.

John Emery, jr., deposed.

Phillip Nelson's bond.

†Writ, dated, Apr. 22, 1661, signed by Daniel Denison,‡ for the court, and served by Joseph French,‡ constable of Salisbury, who

‡Autograph.

John Godfery v. Richd. Ormsby. For defaming his name in taking oath that plaintiff offered him money several times to swear falsely for him. Withdrawn.\*

William Cresy v. Mordecaie Larcum and Elizabeth, his wife. Slander. In saying that he would have come to bed to said Elizabeth. Verdict for plaintiff.†

committed Richard Ormsbey to prison at Ipswich. Joseph French† appointed William Buswell, his deputy.

Copy of Richard Ormsby's bond to John Godfery, dated, Mar. 26, 1661, to deliver before Apr. 20th, Indian corn to the value of 5li. 15s. Wit: Anthony Somerby and Job Tyler. Copy made by Hillyard Veren,† clerk.

Richard Ormsbee's bill of costs, 10s.

\*Warrant, dated, June 19, 1661, to Richard Ormsbee to answer complaint of John Godfrey, signed by Richard Littlehale,† for the court, and served by Joseph French,† constable.

†Writ, dated, June 11, 1661, signed by Robert Lord,† for the court, and served by Thomas Write,† deputy marshal.

Mordeca (his mark) Larcum's bond. Wit: John Thorndike.†

Henry Baly, aged about fifty years, deposed that being at the house of John West last summer, he heard said West and Goody Lorcome in discourse about a boy of said Lorcom's, whom the latter had let out to Goodman West for that summer. West asked her why she had taken away the boy and she said because he was sick. He answered that if he were sick, he could have kept him as well as she. She refused to let him take the boy again, because he would have learned what would have brought him to hanging. Goodman West told deponent to witness what she said, and upon demanding what it was, she said she would not tell it till she came before authority. This she spoke in the presence of the whole family and they were much troubled, and upon being urged further, she said "aske Thomas Write what my boy told him he saw Joseph West do upon a Lord's day," etc., and then she went away. Goodwife West fell down dead and the whole family was "set on trembling as though they were out of their wits." Sworn in court.

Deliverance Frensh, of Gloucester, deposed, that, June 27, 1661, being at Goodman Larcum's house, Thomas West, son of John West, and Elizabeth Jackson, maid servant to Goodman West, came in and asked to see Goodman Cresse's boy. Goodwife Larcum answered that she would have them know that it was none of his. They told deponent that they had kept reckoning for her, etc. This discourse was about six weeks since, upon the Sabbath day, at night. Sworn in court.

Thomas Bishop† deposed that Goody Lareckum lived near his

†Autograph.

John Andrewes v. Edward Colcord. Debt.\*

Robt. Burges and Tho. Farrer sworn constables for Lynn.

Edward Richards sworn clerk of the market for Lynn.

Jon. Neale, Mr. Purchas and Jon. Devorix were fined for not serving on the jury.

Jonathan Colcord, appearing as his father's attorney in a case between his father and Jon. Andrewes, acknowledged that he was under age.

Thomas Marshall had his license renewed for one year.

Robt. Rand took the oath of a freeman.

William Brown was sworn constable of Gloster and Tho. Bishop for Manchester.

house several years and he never knew any light or immodest carriage by her toward any nor with any. Thomas Burnam deposed the same, she having lived sometime near him.

Aves Chub deposed that she was at Goody Larcum's house and the latter asked her to call in at Goody West's, "so I Cald in there to see how she did, & I told her y<sup>t</sup> goody Larcum remembred her loue to her, she told me she was a loueing neighbourly woman as shee Could liue by, & if it had not beene for her she Could not tell what shee should haue done." Sworn in court.

Mordecay Larcum deposed that William Creasy came upon a Lord's day following to his house and said he was sorry for what abuse he had offered to his wife and prayed deponent that he would not prosecute against him.

\*Writ: Corp. John Andrews v. Edward Colcord; debt; dated, Apr. 8, 1661; signed by Robert Lord, † for the court; and served by Robert Lord, † deputy marshal of Ipswich. Robert Lord † appointed his loving father, Robert Lord, his deputy.

John Andrews' bill of costs, 1li. 11s. 6d.

Jonathon Colcord † of Hampton, on June 25, 1660, appointed Joseph Armitage of Linne, his attorney, in two actions brought by John Hathorn and Corporall John Andrews against said Colcord's father, Edward Colcord.

Edward Colcord † of Hampton, on June 24, 1661, appointed his son, Jonathan Colcord, his attorney. Wit: John Eaton, sr., † and John Eaton, jr. †

Edward Colcord † of Hampton acknowledged an indebtedness of 9li. 8s. 6d. to John Andrewes, now of Linn, or to satisfy a debt of 7li. 10s. to Mr. Stannion, which payment of the latter sum, with receipt from Mr. Stannyon, should be his charge for the whole amount. Wit: Roberd Clements. †

†Autograph.

‡Autograph and seal.

Administration upon the estate of Tho. Seeres was granted to Mary, his widow. Inventory\* amounting to 79li. 19s. 8d., clear estate, was allowed.

Joseph Armitage v. Oliver Purchass, agent of the Iron works at Lynn. Breach of covenant for not cutting and coaling 1000 cords of wood in the year 1659. Verdict for plaintiff.

Joseph Armytage v. Oliver Purchase, agent of the Iron works at Lynn. Debt. For work which Thomas Looke performed, cording and coaling of wood, said Armytage being his attorney. Verdict for defendant.

John Godfery v. Tho. Perry. Debt. Non-payment of twenty pounds in corn. Withdrawn.

Mr. Georg Corwin, administrator of the estate of Roger Tucker,

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\*Inventory of the estate of Thomas Seers of Newbury, who deceased May 16, 1661, taken by William (his mark) Moody, Robert Coker and Anthony Somerby: † The house & barne & two acres and three quarters of land, 48li; a cow and a Calfe, 5li. 6s.; three swyne & three pigs, 2li. 8s.; His weareing apparrell, 6li. 14s.; A bedsted, a feather Bed, a Rugg and a blanket, bolster & pillowes, 6li. 10s.; A chest, a forme, table, a cubbard, two spinning wheels & two chayres, 1li. 3s.; A tub, a tray, two bowles, two bucketts, & other utensels & lumber, a hayr seive, 15s.; A great brass kettle & little old kittle, 2 little Iron potts & a pr. of pothooks, a bras skillet & a pr. of Cottrills & tongs & warming pan & frying pan & lamp, 2li. 12s.; two pewter platters, a pint pot, a pewter bottle & a porringer, 2 tin sawce pans, 13s.; foer wedges, 2 beetle rings, a spade, a shave, a handsaw, 2 hooes, an axe & a pare of wooll cards, 18s.; a bible, a brush, a smoothing Iron, a flesh hooke, a brass ladle, 10s. In the Chamber: An old bed & blanket and Rug, 1li. 10s.; A Chest, a box, a meale trough, 1li.; A hogshed, 2 tubs, a bedsted & 2 halfe butts & other Luumber, 17s.; three baggs, 10s.; eight bushells of Indian corne, 1li. 4s.; thre sheets, 1li. 5s.; A coverlet, 1li. 10s. In the seller: A case of bottles, 4s. 6d.; three hogsheads of vineger, 3li.; ten old hogsheads, 1li.; three small beare tubs, 2 halfe butts, a Coule & other lumber, 1li.; In corne upon the ground, 3li.; A cannoo, 2 tunnels, a harping Iron, 1li.; total, 93li. Debts: To Henry Jaques, —; Abrah. Tappan, 3li. 5s.; Mr. Grenleafe, 3li. 3s.; Goodm. Drinker, 1li.; Mr. Woodman, 12s.; Ben. Swett, 10s.; John Bartlet, 6s.; Capt. White, 9s. 4d.; Rich. Fitts, 5s.; John Knight, 3s.; Henry Lunt, 4s.; Peter Morse, 6s.; Robert Coker, 2li. 7s.; total, 13li. 4d. The appraisers made oath, 26 : 9 : 1661, before Hilliard Veren, † cleric.

†Autograph.

deceased, brought in an inventory,\* amounting to 9*l.* 14*s.*, and it was allowed.

John Tuttle, William Halsy and John Hathorne, having been chosen Leift., Corporall and Quartermaster, respectively, by the three county troops, the court confirmed said Hathorne, but the other two were referred to the General Court.

Administration on the estate of Isabell Babson, widow, late deceased, was granted to her son, James Babson. Inventory,† amounting to 27*l.* 6*s.*, was brought in and allowed.

Tho. Chandler, being chosen sergeant by the military company of Andevor, was confirmed by this court.

Frances Ingolls and John Collens were sworn freemen.

Alce, now wife of Eavan Thomas, and Mr. Will. Bartholmew and Mr. Oliver Purchas, the two feofees of trust, were granted power of administration upon the estate of Phillip Kertland, deceased, and late husband of said Alce. Court allowed an indenture or mortgage, together with a schedule annexed, dated, 12: 2: 1661, which instrument was made from said Thomas to said Alce, provided the estate be reserved in order that the court may make further proportions to the children out of the said estate. Also,

\*Inventory of the estate of Roger Tucker, taken, June 25, 16—, by Francis Johnson‡ and Moses Mavericke,‡ and sworn to by Mr. George Corwin, 28: 4: 1661, before Hillyard Veren,‡ cleric: —ards & halfe of Capp Cloth, £1. 6*d.*; [w]ascoat & drawers, 12*s.*; —acket & breches grene Cloth, £1; —ew Jackett, 5*s.*; —re of but breches, 9*s.*; 4 yard Canvas, 1*s.*; ould things, a Jacket, 2*s.*; a Jackett & breches, 4*s.*; canvas drawers, 2*s.* 6*d.*, a hat, 2*s.* 6*d.*, a Capp, 6*d.*, a bead Rugg, 2*s.* 6*d.*, a leather Jacket, 4*s.*, 3 pare ould stockins, 3*s.*, 1*l.* 2*s.*; a pare of woosted stockins, 5*s.*; a pare of green stockins, 4*s.*; a swash, 2*s.* 6*d.*, 3 shirts, 12*s.*, 14*s.* 6*d.*; 2 silke neckcloths, 4*s.*; 1 pare linen drawers, 1*s.*; 2 pare hullinge hands & a pare gloves, 3*s.*; 2 pr. gloves more & 2 pare mitiens, 5*s.*; 9 newfoundland lines, 13*s.* 6*d.*; a barrill meckrill, 1*l.* 5*s.*; a Coat his man had, 15*s.*; a hancherker, a capp, 2 ould neckcloths, & a capp, 1*s.* 6*d.*; a peare of boots, 6*s.*; a kittell, 2*s.* 6*d.*, a bead sacke, 3*s.*, 5*s.* 6*d.*; a cheste, 1*s.* 6*d.*; total, £9. 14*s.*

†Inventory of the estate of Isable Babson of Glositer, taken, Apr. 9, 1661, by Samuel Delaber‡ and Phillip Stainwood,‡ and sworn to in court by James Babson, before Hilliard Veren,‡ cleric: "The vallue of those lands and goods com to twenty seven pounds & six shillings."

‡Autograph.

the said widow, not bringing in an inventory of the estate of her husband Kirtland, deceased, according to law, was liable to a fine of 5li. for every month's neglect, which the court respitted till the next General Court.\*

\*John Kyrkland, aged about fifty-two years, deposed that he often heard his brother Phillip Kyrkland say that his wife should have all his property as long as she lived, and he gave 15li. to his daughter, Mary, and 10li. each to his daughters, Sarah, Susanna and Hanna, at the day of marriage. The land was not to be sold as long as she lived. Sworn, 13: 5: 1657, before Thomas Marshall,† commissioner.

William Harker of Lyn, aged about sixty-five years, testified that when Phillip Kartland of Lynn was going to sea, he told him that he had left an estate in the hands of his wife, Alice Kartland, etc. Sworn in court.

"Inventory of the moveable estate which Evan Thomas hath and doth enjoy with and by Alice his now wife; Taken before marriage:" Four Cowes, 4li. pr. peece, 16li.; 2 steers of 2 year and vantage at 3li., 6li.; 2 mare colts of a year and vantage, 16li.; 2 smale swine, 16s.; 11 wethers and ewes at 14s., 7li. 14s.; Lambs at 8s. p. pc., 2li.; 57 yds. of Cloth of Cotton and sheeps wool at 3s. 6d., 9li. 19s. 6d.; 19 yds. 1-2, at 22d. p. yd., 1li. 15s. 10d.; 2 yds. 1-2 of Cotton and lynyng cloth at 3s. p. yd., 7s. 6d.; 18 yds. of Searg at 6s. 6d. p. yd., 5 li. 17s.; one peece of Penistone, 11s.; 6 yds. of penistone at 4s. 6d. p. yd., 1li. 7s.; 2 yds. of stuff at 4s. p. yd., 12s.; 2 peeces of stuff at 2li. 4s., 2li. 4s.; peece of stuff and a peece of tammie, 14s. 6d.; — yds. 1-2 of Satinesco at 6s. p. yd., 1li. 13s.; one mantle at 26s., 8 yds. of dimity at 2s. 6d. p. yd., 2li. 6s.; Cards of Lace, 8s. 6d., 13 oz. of silke, 2—0—6 maks, 2li. 9s.; Fine sheets, 35s.; one paier of sheets, 20s. maks, 2li. 15s.; table clothes and one hand towel, 19s.; — yds. of narrow holland, 9s., one yd. of Lawne, 12s., 1li. 1s.; — yds. of Carpetting, 11s.; for fine white thread, 12s., 1li. 3s.; — smale deskes, 6s., 2 paier of scales and wights, 16s., 2 pillow-beers, 30s., one paier of sheets, 30s., 3li.; — yds. of Cloth, 8s., 8 towels and a board-cloth, 12s., 1li.; napkins, 6s., 2 pillowbeirs, 8s.; one fether bed & pillow, 3li. 6s., 4li.; fether bolster, 10s., a paier of old sheets, 6s., 16s.; a pillow and bolster, 7s. 6d., a green rug, 30s., a blanket, 10s., 2li. 7s. 6d.; one old covled, 20s., Curtaines and valence, 30s., 2li. 10s.; a blue rug and a blanket, 12s., a paire of Corse sheets, 8s., 1 li.; an old flock bed, 12s., a chest, 12s., a press, 25s., 2li. 9s.; a bedstead, 10s., Indean matts, 6s. 16s.; Cotton yarne, 6s., 40li. of wool and lether, 3li. 6s.; an old rug, 5s., ginger, 25s., Coppris, 20s., milsacks, 11s., 3li. 1s.; pewter flagons, platters, & other pewter,

†Autograph.

Benjamin Woodrow petitioned the court to respite his fine of 40s., and the court ordered that it be respitted until they take further order.\*

Mr. Thaddeus Redding, of Lyn, was licensed to sell strong waters by the quart out of doors, as other shopkeepers did.†

Mr. Phillip Nelson granted costs in action brought by Thomas Perry, who did not appear to prosecute.‡

Administration upon all of the estate in New England of John Humphries, Esq., was granted to Mr. Joseph Humphries, his son, and Mr. Edmond Batter, who gave bonds for 100li.

The town and military company of Rowly, having chosen Samuell

5li. 10s. ; a brass kettle and other implments of brass, 4li. ; Iron potts and kettls and other things, 5li. ; Sword and bandalears, 13s. 6d., a bridle bitt and pannel, 7s., 1li. 6d. ; several wodden things, 28s., 2 Chamberpotts & a cass of Bottles, 10s., 1li. 18s. ; Chaiers, 8s., 300 1-2 of board and a spade, 17s. 6d., 1li. 5s. 6d. ; ladder & a hoe, 8s. 6d., a wheelbarrow wheele, 2s., and other things, 1li. 8s. 6d. ; load of hay, 10li. ; one peece of Cotton Cloth, 19s. 3d. ; one bill on Samuel Bennet, 2li. 45s. ; due in Iron potts from John Diryn, 2li. 5s. ; 5 wedges, 2 beetle rings, one spit, a drippin pan, a dung fork, a Iron barr, a blanket and other things, 1li. ; in money, 10li. ; on bill on Ambrose Cowley, 1li. ; total, 160li. 14s. 1d. The following was annexed and entered and recorded, Apr. 29, 1661, by Edw. Rawson, § recorder : The house and farm with the apurtances, 16li. ; in wheat, 5li. ; four dussen off napkins, 6li. 5s. ; to a bill by John Frances, 1li. ; to severall debts owinge to ye estat not pd., —. Sworn in court, by Alce Thomas, late wife of Phillip Kertland, deceased, before Hillyard Veren, § cleric.

\*Benjamin Woodrow petitioned the court that " whereas the last Midsummer Court I was (for my miscarriage) censured by your Worships to pay a fine of 4 pounds halfe whereof was then to [be] payd the other halfe respited for twelue months These ar to entreate your worships to take the cause of your poore petitioner into your serious consideration, who hauinge w<sup>th</sup> much difficulty payd the first 40s., cannot se any possible way how he could be able to pay the other in regard of his pouerty, hauing a wife & 2 smal children & nothinge where with to relieue them but my daylie labour," etc.

†License of Mr. Thadeus Riddan, dated, June 26, 1661, and signed by Thomas Marshall, § John Fuller, § Allen (his mark) Bread, and John Hathorne, § selectmen of Lynn.

‡Mr. Phillip Nelson's bill of costs, 1li. 14s. 10d.

§Autograph.



Brocklebank as Lieft. and John Brockbank as an Ensign, court confirmed the choice.\*

There being several men appointed at Ipswich court last September to view a highway between Rowly and Newbery, who made their return at the last Ipswich court in March, which report was not accepted, the matter was brought to this court, where it was accepted and confirmed. Court ordered a bridge to be made over Newbery river, to be built by Ezekiell Northin and John Pickard, for 40li., payable when the bridge is built, provided it be a sufficient horse bridge six feet wide.

Tho. Newell and Matthias Farrington, upon complaint of Tho. Wheeler for pernicious lying, were dismissed, all parties promising that the differences between them should be settled.

Tho. Fisk took the oath of freeman.

Will† of James Smith was brought into court by his wife, and

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\*William Acie† and Samuell Mighell† certified that the "soldiery of rowley with the freemen and householders have Legally chosen our beloued Sameul Brocklebank for the office of a leftenant and his Brother John Brockbank unto the office of Insigne Among us."

†Will of James Smith of Marblehead was proved 27: 4: 1661. He bequeathed to "mary Smith my wife, all that my farme called Castle hill, w<sup>th</sup> ten acres in the South field bought of Joseph Grafton, and now in the hands of Samuell Cutler, during her Life if shee remayne So Long a widdow, & at the day of her death, or marriag w<sup>ch</sup> shall first happen, then I giue it to my son James Smith: but it is to be vnderstood Richard Rowland my son in Law hath ten pound & in the first purchase of Castlehill; Item I giue vnto my wife my house & land in marblehead bought of Erazmus James & all my share on the farme bought by marblehead of maj<sup>r</sup> wm hathorne dureing her life or widdowhood & after her death or maerig w<sup>ch</sup> shall first happen to my son James Smith, & my will is that after the Death of my son James that this shall desend to James his Eldest son: Item I giue vnto my wife all my household goods w<sup>th</sup>in Doors, to her, & her heires for euer, & also 4 of my Cowes. Item I giue vnto Kathren Eburne my Daughter my six Oxen in the hand of Samuell Cutler, Item I giue vnto mary Eburne, my Grandchild Twenty pounds, w<sup>ch</sup> I order her father to Dispose of & improue for her good, vntill her Day of marriag, or Twenty one yeares: Item I giue to the other five Children of my Daughter Eburne five pounds apeece to be improued by the father as abouesaid; Item, I giue vnto my Daughter mary Rouland the

†Autograph.

was allowed, as was also an inventory,\* amounting to 592li. 1s.

Thomas Abbot was allowed costs in an action brought against him by John Carr and John Barnard, who did not appear to prosecute.

oxe w<sup>ch</sup> I now yoak w<sup>ch</sup> one of her husbands; Item I giue vnto my Grandchild Samuell Rowland ten pounds if he be liueing at the Day of my Death, or else the ten pounds to be Devided in equall shares betweene his Brothers, & sisters, Item I giue vnto my Daughter Rowlands other three Children fife pounds apeece to be improued for their good vntill they come to Twenty one yeares, or marriag, by the ouersight of the ouerseers of this my Last will; Item I apoint mary Smith my wife my sole Executrix & I apoint my trusty Friend maj<sup>r</sup> wm Hathorne, & my Son Samuell Eburne Ouerseeres of this my last will & doe giue vnto maj<sup>r</sup> wm Hathorne for his paynes ten pounds to be payed him out of a debt in John Deverix hands: And in wittnes that this is my last will I haue here vnto sett my hand, & seale the 9: 9<sup>mo</sup>: 1660" James (his mark) Smith.† Wit: Wm. Hathorne‡ and Samuell (his mark) Eburne.

\*Inventory of the estate of James Smith of Marblehead, deceased, taken, June 25, 1661, by Francis Johnson‡ and Moses Mavericke, and proved, 27: 4: 1661, in Salem court: Nine milch Cowes, 45li.; 1 steer, three years ould, 5li.; 1 bull & 2 heafers, two year ould, 7li.; 5 yearlins, 7li. 10s.; 7 ould sheep & 3 lams, 4li. 5s.; an oxe, 8li.; 6 oxen, 36li.; a mare & Coult, 17li.; 4 swine, 4li.; His house & land at Casteel hill, wth. 10 Akers more purchased of Mr. Gott ajoyninge, 120li.; 1 Aker of marshe at For-east river, his pte in the farme purchased by the men of Marblehead, 36li.; his dwelinge house & land in Marblehead, 110li. In the parlor: A bedd with all its furniture, 10li.; a Cubbard, 2li.; a table & 4 Joynt stules, 1li. 5s.; 3 Chares, 15s.; a cheste, 10s.; a warminge pann, 5s.; one sute as breches & Coat, 2li. 5s.; 4 yds. kersey at 7s. p. yd., 1li. 8s.; 8 yds. sarge at 6s. p. yd., 2li. 8s.; 4 yds. kearsey at 6s. p. yd., 1li. 4s.; 15 yds. water parigan at 3s., 2li. 5s.; a stuff Coat of his, 10s. A brass kittill pott & skillet, 2li. 10s.; an Iron Kittell, 12s., a friing pann, 2s., 14s.; an Iron pott & skillett, 11s.; pewter, 1li. 4s.; tubs, milke vessell & other Lumber, 2li.; a bedd, bedsted, Rugg, blanketts & pillows, 5li.; Lisburn ware, 10s.; a settell & Chare table, 9s.; a table, a bine, 3 pailles, 8s.; a driping pann, smothinge Iron & gridiron, 8s.; tongs, fire shovell & tramells & spitt, 8s. In the Chamber: A bead, 2 Rugs, 2 blanketts, 3li. 10s.; 2 blanketts, 20s., new cloth, 15s., 1li. 15s.; 8 peare of sheets, 6li.; 1 peare of pillobeers, 2 tablecloths, 14s.; 10 bushells Indian corne, 1li. 10s.; a smith's vise wth. other tules, 1li. 10s.; total, 457li. 1s.; more in debts one ackeer Accompt as the widdow Apprehends, 38li.; total, 492li. 1s.

†Seal.

‡Autograph.

John Carr, servant to Mr. Symond Bradstreet, complained of for theft and other misdemeanors, was fined 50s. for damage to his master, and was bound to good behavior. Anthony Crossby, surety.\*

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\*Warrant, dated, 7 : 3 : 1661, for the arrest of John Carr for stealing several things as piggs, capons, mault, bacon, butter, eggs, etc., and for breaking open a cellar door in the night several times; signed by Simon Bradstreete;† and served by Thomas Chandler,† constable of Andover.

Margarett Russe, aged about forty-one or forty-two years, deposed that about a month after this time last summer, John Carr brought a leg of a fowl roasted to her house, and said it was the leg of a capon, which she at first had some scruples about taking. Afterwards she and her husband ate it, and she gathered up the feathers a little below their house and blamed him for spoiling the creature. Deponent also said that one night last summer about midnight, said Carr and another person came into their house and brought some victuals with them, and when deponent asked where they obtained them, one of them answered that they met with them by the way. In the morning she found fourteen eggs which they left there and going to Mr. Bradstreete's house the next day, she found that the maid had missed them, together with some butter, and said her mistress would be angry. Deponent took them home again and afterward told Carr of it, who blamed her for it and said he would have them again. Deponent further testified that Sam. Martin came to her one morning and told her that John Carr would have her dress that pig which lay in the sheep house, which she did. Some of it was carried to the meadow and the rest was eaten at her house. She said the pig was a very large one and very fat. Carr threatened them if they testified against him, which made them afraid to tell what he said. Carr further said that whatever he was held in, five, ten or forty pounds, he did not care, that Mr. Bradstreete should get nothing by it. Deponent further testified that Jo. Carr brought some malt to their house when she and her husband were in bed and carried it up into the chamber, she did not know how much there was of it. Sworn, 24 : 4 : 1661, before Simon Bradstreete.†

George Abbott, sr.,† aged between forty and fifty years, deposed that he was at Mr. Bradstreete's house one time when Jo. Carr came home from the meadow with a load of hay. There was a good meat pottage on the fire for his dinner, and after his mistress sent out some meat, both roast and boiled, Carr took up ashes or coals, which he threw into the skillet, where there was bread, and then bade the maid take them away, saying that he would not eat them because coals

†Autograph.

had fallen into them. Said Carr told deponent last winter that when his time was out with Mr. Bradstreet, he would board with him, and give him two days' work in fair weather for a week's diet, during the summer, for he was as well kept as ever he was in his life and considered it as good a house of diet as any in the country. Deponent spoke to him about his tricks, telling him that they might cost him his year's wages, and Carr replied that if his master went to work that way it would cost him the best ox or horse he had, for he would go into the woods and kill forty pounds worth of cattle, though he lived forty miles away, and his master would never be able to prove it. Sworn, 24 : 4 : 1661, before Simon Bradstreete.\*

John Bernard, aged about eighteen years, deposed that the night that Mr. Bradstreete's wheels were run into the swamp, he saw three men come by their house at dark, going toward Mr. Bradstreete's, whom he thought were Jo. Carr, Tymothy Steevens and Steven Osgood, because he had seen them go into Henry Ingolls house a little before night, and they came from that way afterward. Sworn, 24 : 4 : 1661, before Simon Bradstreete.\*

Nathan Parker testified that he heard Mr. Brodstreet in April, 1660, speak very well of John Carr, saying that he was one of the best servants for work that he ever kept. Deponent also testified that John Carr said, in April, 1660, that Mr. Bradstreet was as good a man as he ever lived with, and was a father to him. Sworn in court, 27 : 4 : 1661, before Hilliard Veren,\* cleric.

John Godfry testified that he saw John Carr bring a piece of raw bacon, about six pounds, to John Russ' house. Also that when thrashing corn for Mr. Brodstreet, he missed corn in the sheaf several times out of the barn, and going out of the town, he met said Carr with a whole cheese, which Carr said he took out of the cellar house. Sworn in court.

Elizabeth (her mark) Dane, daughter of Francis Dane, testified that being late in the evening milking, she heard a great rumbling down the hill, which she saw the next morning were the wheels. She heard men come up a little while after from the hedge side, and one said that nothing could be proved, but she did not know who said it, etc. A night or two afterward, she told Steven Osgood that it would be best to put up the wheels again, and he said "let y<sup>m</sup> turne y<sup>m</sup> up that tumbled y<sup>m</sup> downe." Sworn before Francis Dane.\*

John Ross, aged about twenty years, and Nickles Browne, aged about twenty-four years, deposed that when working with John Carr, they had seen him have bread for his dinner that was not fit to eat, it being black, furry, ropey and mouldy, etc.

John Rus,\* aged nineteen or twenty years, deposed that he saw John Ker run after a pig among the bushes below their house and

\*Autograph.

come out with a dead pig in his hands, etc. Sworn, 20: 4: 1661, before Simon Bradstreete.\*

Hanna Barnerd deposed that about a year since, being in her father's lot near Mr. Bradstreet's barn, she saw John Carr throw sticks and stones at said Bradstreet's fowls, which ran into the barn, where she heard them cry. Carr threw a capon out through a hole in the side of the barn into the orchard. Then Carr called to Samuell Martin, who was at the other end of the orchard, to come to him, but John Bradstreet, being with Sam, followed him, and Carr took up the capon and threw it under a pear tree. Later, after they had all gone away, said Martin went back, took up the capon and carried it to the back of Mr. Bradstreet's orchard and toward the back end of the lot. Sworn, 24: 4: 1661, before Simon Bradstreete.\*

Steven Osgood\* withdrew the attachment which he had caused to be served upon Tho. Abbott for false accusation, 24: 4: 1661. Wit: Simon Bradstreete.\*

Examination and confession of Steven Osgood:\* That on Wednesday, 5: 4: 1661, about half an hour after daylight, John Carr, Tymothy Stevens and himself were walking in the street by Mr. Bradstreete's house, when said Stevens suggested that they run said Bradstreete's wheels down the hill, and Carr beckoned for Osgood to go too. So they ran them down into the swamp, Stevens watching that no one discover them. An hour or two later, Carr and Osgood took another wheel from Mr. Bradstreete's tumbrill, and ran that down, and brought an old wheel from Goodman Bernard's and put it on the said tumbrill, said Stevens not being with them. Sworn before Simon Bradstreete.\*

Martha Barnerd deposed that being in her father's lot, etc.

John Russe, sr., aged about fifty years, deposed that when John Carr brought the malt to his house he told him "for god sake to carry it back againe," but he vowed he would not, and so went into the chamber and emptied it into a tub that had some malt in it, etc. Sworn before Simon Bradstreete.\*

Samll. Martin, aged about seventeen years, deposed and confessed that they roasted and ate the capon, which John Carr threw out of the barn, down in the pasture. One leg was carried to Goodwife Russe, wrapped up in walnut leaves. He and Carr intended to carry the pig, which they had killed, to the pasture, but as Mrs. Bradstreete came along, they threw it into the bushes. Goodwife Russe dressed it for them and made it into pies, some of which they ate there and some they carried to the meadow. They also carried malt to said Russe. John Carr killed another great pig in the lot near the ox house and carried it to the meadow, where they singed off the hair, roasted it and ate about half of it; the remainder being not well roasted, the dogs ate it. When they

\*Autograph.

Isaack Cooke, upon his petition to the court, had his fine of 50s. remitted.\*

Henry Phelps, appearing under bonds, to answer the complaint against him concerning his brother, Nicholas Phelps' wife, and no one appearing to testify against him, was discharged of his bond for appearance, but was still bound in 10li. not to accompany his brother's wife.

Verdict of the jury in the case of Samll. Symonds, gentleman v. Will. Downing and Phillip Welch, his two servants: That if Mr. Dell's covenant be legal, they found service due said Symonds until May 10, 1663; if not, they found for the defendants. Court

went to the meadow, they carried bacon, cheese, codlins, bread, etc., which he said was enough for a fortnight, yet the next night Carr came home with the mare and brought butter and eggs to the meadow, which he said he obtained by breaking the cellar door, running his foot against it. Deponent also said that Carr put him in at the cellar chamber window to cut off some bacon and that he often carried raw bacon into the field, when they had enough boiled, because he liked it better roasted. Carr said if they could get a great dog to put into the chamber to know the bacon, then they might cut off half a fitch and it would be thought that the dog did it. Carr at another time had Goodwife Russe boil some bacon for him, when there was enough at home. Carr also said that if the sheep were at home he would have killed one of them, and he had a good mind to ride across the woods from the meadow to Goodman Ballard's, where the sheep went, but he thought somebody would see him, etc. Carr asked deponent if he had told his mistress about his actions, and Martin said that he had not. Then, said Carr, "if y<sup>n</sup> had I would haue knocked y<sup>n</sup> on the head." Carr also told deponent that when he lived with his master Jackson, there were two or three other fellows who used to let him down the chimney with a rope into a room where he could get strong beer, cream, etc., and that he and another stole a great fat turkey from his master Jackson, which was fatted for said Jackson's daughter's marriage, and roasted it in the woods, etc. Sworn, 22 : 4 : 1661, before Simon Bradstreete.†

\*Henry Cooke's petition to the court in behalf of his son, Isack Cook: That whereas the court had imposed a fine of ten pounds upon said Isack Cook for hurt done by him, though accidentally, to Lieut. Lothrop, which fine he was not able to satisfy, nor his friends for him, considering that it was not a wilful act, said Cook asked that the fine be remitted, hoping that it would make him more careful in the future.

† Autograph.

adjudged the covenant legal, and ordered said Downing and Welch to serve their master until that date. Appealed to Court of Assistants, but giving no bonds to prosecute, upon agreement of all parties, Welch and Downing were to serve Mr. Symonds until the next session of the Court of Assistants, and the latter was to allow them liberty to attend that court.

Rachell Sibly, wife of John Sibly, deceased, brought in an inventory\* of her husband's estate and was sworn. Amount, 52li. 13s., clear estate. Said Rachell was appointed administratrix, the widow to have the property for the bringing up of the children.

Danyell Poole was bound by this court as an apprentice to John Rowden of Salem, planter, for fourteen years and a half from June 27, 1661, who was to teach him to read, write, etc., according to the law in this country.

John Fuller, chosen by the town of Lynn as ensign to the foot company, was confirmed by the court.

Court ordered that the charges in the action between William Dodg and Roger Hascall in June, 1659, be divided between them.

Court ordered Major William Hathorne to hear several presentments, for which the clerk was ordered to issue warrants, whenever the major could attend to it.

Will† of Richard Browne, deceased, was presented and sworn to by Tristian Coffin.

\*Inventory of the estate of Jno. Sibly, deceased, taken June 24, 1661, by Willm. Allen, Pasco Foot and Rob. Leach: One dwelling house with fifty Acres land, 15li.; 4 Cows & 1 heifer, 18li.; 2 oxen & 1 Bull, 18li.; 1 hieifer & Calfe, 4li.; 5 peggs or swine, 1li. 10s.; pewter, 1li. 15s.; Brass & Iron Potts, 1li. 10s.; Bed & Bedinge, 5li.; Chest, bedsteed & Table, 1li. 10s.; one thousand five hundred boards, 3li. 15s.; total, 69li. 10s. Debts: To Mr. Willm. Brown, about 10li.; Mr. Emory, 25s.; Goodman Joanes, 15s.; Ed. Batter, 4li. 15s.; other small debts, besides what we do not yet understand, 12s.; total, 16li. 17s.; clear estate, 52li. 13s. "he left behind him a Widow & 9 fatherless Children 4 Boyes & 5 girles: the Eldest daughter 19 years old, the next daughter about 17 years: the therd daughter about 15 years: fourth is a son of 12 years." Sworn in court by Rachell Sibly, the widow, before Hilliard Veren, † cleric.

†Will of Richard Browne of Newbury was proved by Tristram Coffin, June 24, 1661. He desired to be buried in the burying place in Newbury, and he bequeathed "to my Son Joshua Browne

‡Autograph.

Servants of Mr. Gedney's house were allowed 6s.

William Shackerly was complained of about the insufficiency of

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when he shall be of the age of one and twenty yeares, all that parcell of my vpland and meadow that lyeth neere the little Riuer as it is now inclosed, and my fiue acres of vpland adioyneing to Goodm Smiths land, and my share of meadow, which I haue equally with Georg Little, vpon the little Riuer, and a mare colt and two calves and an ewe and my owne freehold for encouragment to liue with his mother vntill he be of the aforesaid age. Secondly I giue to my Son Richard Browne the house and Lott I now dwell vpon with the Lott adioyneing to Robert Longs Land and that parcell of land adioyneing to Richard Pett-ingalls land | on both sides of the ware | with my eight acres of salt marsh lying in the great marsh betweene m<sup>rs</sup> Cuttings marsh and Thomas Bloomfields marsh, and my parcell of meadow adioyneing to the Land that Benjamin Roafe hath now in possession and the freehold which was Gyles Badgers which belongs to mee, and he my Son Richard shall pay out of his share ten pounds to each of his three sisters within three years after he shall haue the said premises in possession 3dly I giue vnto my Son Edmund Browne all my share of Land that belongs to mee which was formerly Joseph Carters that is to say halfe the plow land pasture and meadow with the house and barne that hath bene built by mee and halfe the preuiledg of freehold, both Richard and Edmund shall haue their Legacyes at their mothers decease but if their mother shall chang her Condition and marry againe then they shall haue their portions at the age of one & twenty years.

“ Also to my three daughters Elizabeth Sara and Mary I giue to each of them the summe of ten pounds to be paid out of my stock at the day of their marryage, and if my wife shall marry againe then the stock that I leaue in her hands shall be diuided among my three daughters aforesaid, according to the discretion of my ouerseers, and my wife shall haue the vse of the said stock vntill my daughters shall be of age for the bringing of them vp, And whereas I am bound to leaue my wife worth threescore pounds, In leiu of it I giue vnto her the thirds of my lands dureing her naturall life, and appoint her to be the sole executrix of this my last will and testament; also I appoint her to pay John Badger his portion out of my estate and that my debts and funerall be discharged, Also the portion abouementioned to my Son Josua I appoint it to be in full of what he shall haue out of my estate so that he shall neuer desire any more in relation of any thing given to his brother Joseph deceased by his vnkle George Browne deceased If either of my sons doe die before he comes to age then his land shall fale vnto the other two and if either of my dauters shall die before her marryage then her portion shall fale vnto my other two dauters



his barque, and the court commissioned several persons to view her.\*

Major Hathorn's determination about a difference of fence between William Dodg and Roger Hoscoll was placed on file.†

and if my wife chaing her condition by marrag then she shal give security to my ouersers for the paiment of my childrens portions. And I doe appownt my louing frinds Richard Kente and Nicolas Noyes and Robert Long my ouerseers to put in exicution this my wille and testament." No date. Richard Browne.‡ Wit: Tristram Coffin‡ and Joseph Noyes.‡

"Farther it is my will & desier that my louing frind Josef Noyce be one of my ouerseers aded to the other three before mentioned." Wit: James Noyes‡ and Moses Noyes.‡ The latter made oath before Daniel Denison,‡ June 24, 1661.

"\* Upon Complaint of William Shackerley Master of the Barke Hopewell of Plymouth in Old England, (who haue made a Fishing Voyage heare in N: E) of the Insufficiency of the said Barke for y<sup>e</sup> performance of her Intended Voyage to Newfoundland, whether shee is bound, this Court Commissionates M<sup>r</sup> William Hollingworth, Robert Lemman, Richard More, William Charles of Marblehead, Masters; Also John Beckett, Erasmus James and Richard Rowland, Ship-Carpenters, to view the said Barke, and Examine the Euidences, Concerning her Sufficiency for her said Voyage, and so to make a true Returne under their hands within one month next following unto Maj<sup>r</sup> William Hathorne or to y<sup>e</sup> Commission<sup>s</sup> of Salem." Brought into court, June 27, 1661.

Writ: Mr. William Shackerlie v. John Gosse, Michell Combe, Edward Foster, Henry Russell, John Lucom, Nicolas Lucome, John Fryer and John Harte; for damage done by them on a fishing account, in coming away from Monhigon before the voyage was completed, without said Shackerly's consent; dated, June 11, 1661; signed by Francis Johnson,‡ for the court; and served by Will. (his mark) Nick, constable of Marblehead.

‡Copy of Salem Court record, 28: 4: 1660, in action of William Dodge v. Roger Haskall, for not maintaining fence according to agreement. Verdict for plaintiff, the defendant to maintain the fence. Copy made by Hillyard Veren,‡ cleric.

Wm. Hathorne,‡ chosen as arbitrator in this case, 4 mo: 1659, to settle all differences about a parcel of fence of 110 rods, running from the bridge or causeway over the country way from Salem ferry to Ipswich, to or near the rock in Salem common, determined, 29: 4: 1661, as follows: That William Dodge should make 15 rods of fence, beginning at the upper end of the land now in possession of Roger Hoskell, and so downward toward his house,

‡Autograph.

At a court held by Major William Hathorne, 2:7:1661, Elizabeth Skinner, presented for being drunk several times, was fined, and Mr. Johnson promised to pay the fine; Danyell Sothwick, the wife of Josiah Sothwicke and the wife of Richard Gardner were fined for absence from the public ordinances on the Lord's days from June to November, 1660.

Edward Gaskin, John Bly, Henry Skerry, John Neale, Samll-Eborne, Nathanyell Fellton, John Northy, Goody Bowen, Goody White and Alis Codner were allowed witness fees.

COURT HELD AT SALEM, JUNE 28, 1661.

Samuell Gaskin, presented for absenting himself from the public ordinances on twenty-four Lord's days, was fined, upon his confession.

Wife of Nicolas Phelps, presented for saying that Mr. Higgeson sent abroad his wolves and his bloodhounds amongst the sheep and lambs, and that the priests were deceivers of the people, was fined or to be whipped. William Flint promised to pay the fine.\*

Michaell Shafin, Sarah, wife of Robert Stone, Ann, wife of Anthony Needham, John Small, Philip Veren, the wife of Robert Buffum, the wife of Nicholas Phelps, the wife of John Sothwick, the wife of George Gardner, the wife of Samuell Shattook, Sam-

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and Roger to make all the rest to the causeway. All the land of said Hoskell's adjoining to the south was bound for the performance of this agreement. Further, William Dodg was to make 15 rods more beginning at the upper end of the 15 rods formerly mentioned, and so to run toward the rock, which is against the land now in the occupation of Daved Thomas. This land was formerly Roger Hoskell's, given him by John Harding, his wife's father, and was bound the same as the foregoing.

\*Hanna, wife of Nicolas Phelps, presented. Wit: Thomas Flint and John Upton. Summons served, June 28, 1660, by Tho. Roots and Tho. Gouldthyte, who made return that they could not find her.

Thomas Flint and John Upton testified that coming in to Henery Phelpes' house on a Sabbath day evening, spring was a twelvemonth, they heard Hanna Phelpes, wife of Nickoles Phelpes, say that Higgeson had sent out his wolves apace. John Upton asked her if Mr. Higgeson sent the wolves amongst them to kill their creatures and she answered, the bloodhounds, to catch the sheep and lambs. Sworn in court.

uel Salmon and Provided Sothwick, presented for absenting themselves from the public ordinances, were fined.\*

Hanna, daughter of John Burton, Damaris, daughter of Joseph Pope, the wife of Joseph Pope and the wife of Tho. Gardner, sr., were convicted and ordered to pay fees. The wife of John Kitchin was dismissed.

Phillip Veren, the wife of Robert Buffum, John Smale, Samll. Gaskin, Samll. Salmon and the wife of Thomas Gardner, sr., presented for being at a Quakers' meeting, were fined.†

William Curtis, presented for stealing, was fined.‡

\*" Mr. Clarke—These ar to certify you that there was a mistake in the presentinge of the wife of John Smal, for I doe understand : (by conference w<sup>th</sup> her selfe) that lameness & deafnesse was the cause of her absence & I haue seen her of late at the meetings. Nathaniel Felton."§

†Summons, dated, May 23, 1661, to Samuell Gaskoyne, the wife of Nicholas Phelps, Michaell Shaffin, Katherin, wife of William King, Sarah, wife of Robert Stone, Hannah, daughter of John Burton, Damaris, daughter of Joseph Pope, Ann, wife of Anthony Needham, John Smale and his wife, Phillip Veren and his wife, the wife of John Kitchin, the wife of Robert Buffum, the wife of Joseph Pope, the wife of John Sothwick, the wife of Mr. Thomas Gardner, sr., the wife of Richard Gardiner, the wife of Georg Gardner, the wife of Samuell Shattock, the wife of Robert Wilson, Samuell Salmon, William Marstone, Danyell and Provided Sothwicke, to appear to answer complaint for absence from meeting. Also to witnesses Thomas Flint, Jon. Upton, Henry Skerry, John Neale, Samuell Ebborne and Nathaniell Felton.

Summons, dated, May 23, 1661, to John Smale, sr., Phillip Veren, the wife of Robert Buffum, Samuell Gascoyne, Danyell Sothwick, Samuell Salmon, the wife of Mr. Tho. Gardner, sr., and the wife of Richard Gardner, for being at a Quakers' meeting on the Lord's day. Also to witnesses, Edw. Gascoyne and John Bly.

Summons, dated, May 23, 1661, to Nicholas Deckaine, for living from his wife, and witnesses, Henry Herick and Henry Skery; to Richard Midelton, for stealing a scarf and bridle bit, and witnesses, Bethiah, wife of Joseph Hutcheson, Richd. Hucheson and John Putnam; to Nathanyell Patry of Bass River side, for absence from meeting, and witnesses, Richard Stackhouse, Tho. Chubb and Avice Chubb.

‡Presented for stealing a parcel of timber from Francis Collins and lying about it. Wit: Christopher Waller, Richard Sibly and

§Autograph.

William Wiseman, presented for being drunk, multiplying oaths and abusing his owner and his company, was fined.\*

Zachary Herrick. Summons to constable of Salem, May 23, 1661, signed by Hillyard Veren,† cleric.

Christopher Waller, aged about forty-one years, deposed that some of the timber that he helped to hew and saw for Frances Collens, four rafters belonging to a white oak stock sixteen feet long, he saw at William Curteses new frame. How they came there from the pit where they were sawed, deponent did not know.

\*William West, aged about thirty years, deposed that, being in Boston, he saw Williame Wisemane overtaken in drink. Also, by the owner's order, "I geett A man A Boeard Mr. Graftone ketch, when I Came Back Againe A Boeard of ouer owen ketch that the said wise mane forewarnd me nott to Come A Boeard if I did upon my owne perrill B— itt fore hee swore severall othes that hee whould pistoll me ore knocke mee in the head, farther saith that geetting A Boeard I Receiued A Blow from hime which Blow I haue Laen under the Doctors handes euer Seinsce I Came home." Sworn in court, before Hilliard Veren,† cleric.

James Underwood, aged about fifty years, deposed that he was in Boston with his ketch and saw said Wisemane drunk. The latter called him rogue and dog, and threatened to knock him in the head, as he was informed by one of his company. Sworn in court.

The will of William Witter, dated, 5: 6: 1659, was proved in June, 1661. He bequeathed to "my wife Annis halfe my lands, housing and chattels: but in case she chang her name, I bequeath to her but the thirds: and to my sonn Josia I giue the other halfe of my lands, housing, and chattels: but in case my wife mary, then I bequeath a duble portion to my sonn Josia and his mother my wife shall haue but the thirds, as aforesaid, prouided that my sonn shall not sell this his inheritanc, but in case hee die w<sup>th</sup>out issue: then I will that this inheritanc shall be instated *upon* Robert Burdin and my dafter Hanna, for there posteritis. I will my dafter Hanna Burdin shall have a ew, and lamb this time twelfe mounts and I will that my wife Annis bee my sole executor." William Witter.† Wit: Robert Driver† and William Harker.†

Inventory of the estate of William Witter, taken, 15: 9: 1659, by Robert Driver,† William Harker† and Francois (his mark) Ingols: His aparrill, 1li.; in ye hall, one bed and that which belongs to it, 2li.; in ye parler, one bed & that which belongs to it, 5li.; a peec of carsie of foure yards, 1li. 6s.; a chest, 4s.; three pare of shets with other linins, 3li. 10s.; a warming pan, 5s.; in puter, 15s.; in bras, 10s.; an Iron cettle, tow pots and a scellet, 2li.; a friing pan, spit & pothooks, 10s.; tow hoogs, barrils & a

†Autograph.

Richard Haven, presented for breach of the peace, was fined, upon his confession.

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salting trough, 6s. ; three trays, thre poles and a cimmitt, 6s. ; tow whels & tow pare of cards, 10s. ; churn, dishes, spouns & trenchers, 6s. ; in wool & flax, 10s. ; wheat, inde corne & pese, 3li. 10s. ; in hay, 4li. ; cart & whels & plough & chains, wth. things belonging, 3li. ; a pare of oxen, 13li. ; thre cous, 14li. ; in a mare, 6li. 10s. ; swine, 2li. 12s. ; housing & land, 66li. ; total, 132li. 11s. Sworn by Anis Witter, in court at Salem, 23: 4: 1661, before Hilliard Veren,\* cleric.

Inventory of the estate of Benjamin Belflower, who deceased Feb. 24, 1660, taken, Mar. 16, 1661, by Robt. Moulton\* and Henry Phelps:\* Nineteene Acres of Land, 9li. 10s. ; household stuffe, 4li. 10s. ; By Bill, 4li. ; serge, 18s. ; cotten wooll, 7s. Debts: To my father, 10li. ; to Goodman Martin, 3li.

Summons to John Saleare of Wenham, dated, 25: 4: 1661, to answer complaint for entertaining persons in his house contrary to law, and signed by Hillyard Veren,\* cleric. Also to witnesses, Richard Coye and Tho. White.

Writ: John Bointon v. Thomas Willet, William Tower and Gabriell, servant or apprentice to Daniell Turell ; battery, for shedding blood, and also for striking him several blows with the great end of a gunlock ; dated, May 21, 1661 ; signed by Jonath Negus,\* for the court ; and served by Rich. Wayte,\* marshal of Suffolk, who committed them to prison.

Writ: John Lambert v. Mr. John Carlton and Mr. Philip Nelson, executors of the estate of Mr. Joseph Jewett, late of Rowley ; debt for corn and cattle ; dated, Apr. 23, 1661 ; signed by Robert Lord,\* for the court ; and served by Robert Lord,\* marshal, by attachment of seven cows of defendant.

Writ: Philip Nellson, Jerimiah Jewett and John Carlton, executors of the estate of Mr. Joseph Jewett v. John Newmarsh ; debt of 100li. ; dated, June 13, 1661 ; signed by Robert Lord,\* for the court ; and served by Robert Lord,\* marshal, by attachment of two barrels of pork, fifty bushels of wheat, thirty bushels of Indian corn, two cows and pasture land of defendant.

Writ: John Newman v. Clement Coldam ; debt ; dated, May 27, 1661 ; signed by Robert Lord,\* for the court ; and served by Robert Lord,\* marshal, by attachment of two cows.

Writ: Mr. Edmond Batter v. Edmond Bridges ; debt ; dated, June 12, 1661 ; signed by Hillyard Veren,\* for the court ; and served by John Wildes,\* constable of Topsfield, by attachment of about eight acres of land and two acres of wheat.

Writ: Clement Coldam v. John Newman ; slander, for saying that he was a liar and could prove it ; dated, May 27, 1661 ; signed

\*Autograph.

Fined by Major Hathorne :

Robert Temple, on 31 : 8 : 1660, for two oaths and for base and railing speeches against Mrs. Gedney and her daughter, Hana Clark ; and, on 18 : 11 : 1660, for railing speeches against Mary Bishop.

John French, on 25 : 1 : 1660, for stealing from the wife of John Gardner.

These fines entered according to the original copy given into Salem court, 25 : 4 : 1661, by Hillyard Veren, cleric.

by Robert Lord,\* for the court; and served by Robert Lord,\* marshal.

Writ: Elizabeth Archer, attorney to her husband, Henry Archer v. Thomas White; debt; dated, June 18, 1661; signed by Robert Lord,\* for the court; and served by Robert Lord,\* marshal, by attachment of a parcel of land, with the corn on it.

Writ: Thomas Perry v. Mr. Philip Nelson, Mr. John Carlton and Jeremiah Jewett, executors to the estate of Mr. Joseph Jewett; non-performance of an agreement by Mr. Joseph Jewett to free and discharge him of his creditors, for which he received an estate of said Perry; dated, May 27, 1661; signed by Robert Lord,\* for the court; and served by Robert Lord,\* marshal, by attachment of part of the farm of Jeremiah Jewett and the land and orchard about the house of Mr. Phill. Nellson.

Writ: John Jackson v. John Newman; slander; dated, May 29, 1661; signed by Robert Lord,\* for the court; and served by Robert Lord,\* marshal, by attachment of house, land, and two cows of defendant.

Writ: John Wooddam, in behalf of his servant, John Smith v. John Newman; battery, for striking said servant; dated, May 21, 1661; signed by Robert Lord,\* for the court; and served by Robert Lord,\* marshal, by attachment of two cows of defendant.

Venire for Wenham, Salem and Lynn jurymen, dated, May 23, 1661, and signed by Hilliard Veren,\* cleric. Constable of Lynn returned the names of Mr. Daniell Kinge, sr., Capt. Tho. Marshall, Mr. Olliver Purchis, Mr. Nath. Hanford and John Witt, who were chosen June 9, 1661, at Lynn town meeting, for the petty jury. John Pollin,\* constable of Wenham, returned the name of Robert Gowing.

Warrant to Cornelius Kent, to appear on complaint of his master, John Whipple, for not serving out his time, according to indenture; dated, June 19, 1661; and signed by Daniel Denison.\*

John Warner, aged about forty-five years, deposed that the last Monday, John Whipple bade his servant, Cornelius Kent, go to work, and he replied that he would not, because he would be gone, and immediately went away. Sworn, June 20, 1661, before Daniel Denison.\*

\*Autograph.

## COURT HELD AT IPSWICH, SEPT. -, 1661.

At the time set for this court, there being present but two magistrates and no commissioner, on this day and the next, those who had business with this court refused to allow their actions to be tried, and it was declared to be no court.

Moses Pengry, Jehn Whipple, Joseph Jewett and John Person, the committee appointed upon the matter of the highway from Ipswich to Newbury, reported that they had held a meeting, and with a committee from Newbury, had viewed the way which Newbury men propounded to the court. They found that there must be two bridges and a great deal more of marsh to mend on this way than there would be on the other. The committee of the three towns agreed that if this way, which they now showed, were a mile nearer, they would propound this way to the court to be established as a country highway; and if it were not a mile nearer, or within five or ten rods of a mile, the other way should hold. It was measured, and found to be but 130 poles nearer, and, considering the charge would be greater this way than the other, they judged that the way near Rich. Thurill's bridge would be most convenient for the country.

Humphry Griffen, dying intestate, administration upon his estate was granted to his widow, Elizabeth, Nov. 19, 1661, by Mr. Samuel Symonds and Major Genll Denison. It was ordered that an inventory be brought into the next Ipswich court.

## COURT HELD AT SALEM, 26: 9: 1661.

Judges: The Worshipfull Mr. Simond Bradstreete, Mr. Samll. Symonds, Major Generall Danyell Denison and Major. Will. Hathorne, Assistant.

Grand jury: Nathanyell Putnam, Ensigne Wm. Dixy, Frances Lawes, Nicholas Potter, Frances Skerry, Joseph Hucheson, Tho. Golthwrite, Frances Ingolls, Wm. Craft, Wm. Clearke, Richard Moore, Richard Kemboll, Christopher Lattamore and John Norman.

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Joseph Whipple\* deposed that his brother's man, Cornelius Kente, told his master that his time was out and he would not work, and went away until afternoon.

\*Autograph.

Jury of trials: Mr. Henry Bartholmew, Samll. Gardner, Nathll. Pickman, Richard Leach, Samuell Corning, William Dodge, John Kitchin, Richard Johnson, Richard Haven, John Collens, Richard Coye and John Peerce.

Civil cases:—

William Beale, attorney to Christopher Hobbs v. Mr. Peeter Oliver, being in partnership with Mr. Belveile in the year 1659. For withholding a debt of 26li. in sterling money of England, with damages, due upon a fishing voyage to said Hobbs, according to attachment. Withdrawn.

John Hart v. John Lacum and Walter Munjoy. For withholding his third part of five barrels of mackerel, which were in partnership among them, upon the last fall voyage. Withdrawn.\*

John Legg was sworn constable of Marblehead.

William Browne, constable of Gloster, was fined for not making return of the jury of trials.

John Burton v. John Porter, sr. For taking up a young mare, branding her and keeping her in his possession without leave or consent, according to attachment, dated, 13: 9: 1661. Verdict for plaintiff, the colt to be his.†

\*Writ, dated, 24: 8: 1661, signed by Hillyard Veren,‡ for the court, and served by William Nick,‡ constable of Marblehead, by attachment of five barrels of mackerell of defendants.

Charles Knight, aged twenty-one years, deposed that this last mackerel voyage, John Hart of Marbelle Heade, being not fit to go to sea, hired deponent, with the consent of his partners, to go in his place. They were gone ten days and caught five barrels of mackerel. The first two or three days they caught but few, and John Lewcom and Walter Mungey scoffingly derided deponent and asked how Hart should pay him his wages, but when the mackerel began to come in, they told him that they would pay him. Further, they accepted deponent in Hart's place, and the latter paid him his wages. Sworn in court, before Hilliard Veren,‡ cleric.

†Writ, dated, 13: 9: 1661, signed by Hillyard Veren,‡ for the court, and served by Samuell Archard,‡ marshal of Salem.

John Burton's bill of cost, 2li. 8s. 1d.

Job Swinerton, jr., and Thomas Gardner, jr., aged about seventeen years, deposed that they were desired by Thomas Gardner, sr., to take up a colt that was with his mare, which formerly he had sold to John Burton. They brought the colt home and John Burton owned it to be his. This colt was with the mare four or five

‡Autograph.



John Pearson was fined for absence from the jury of trials, but upon his just plea, the fine was remitted.

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months after she was sold. Mr. Gardner had seen it in the woods last summer and this summer. Sworn in court.

Thomas Gardner, aged about sixty-nine years, deposed that this colt, which Porter had branded with the letter P. was the one he sold to John Burton. Sworn in court.

John Kitchin, aged about forty-two years, deposed that the brand J. P., when he saw it, was raw and both ears were swollen. John Smith branded it and he told deponent that it was John Burton's colt. Sworn in court.

Joseph Porter, aged about twenty-three years, deposed that he very well remembered that he was with certain of his father's sons and servants, and according to his father's order, he helped mark the colt in question on the near shoulder and with a slit in the further ear, when she was but a year old, which was in May, 1660. The colt was put into the woods with another mare and colt of John Porter's, the elder, his father. They were missing in the fall, but at last were found in the north field of the ten acre lots. This colt was separated from the other mare and colt, and she cried after them until she got to them again, they being brought home on Dec. 18. Thenceforth she continued with her said dam all the winter in the plain orchard and about the house of the said John Porter, sr. Deponent further testified that on Mar. 17, John Smith, the cutter, came to cut the horses of his father, and he told deponent that this colt was like John Burton's colt, but on examination he found that the marks were not the same. In May, 1661, John Burton pounded this colt, claiming her for his own, but when let out of the pound, she went to her own dam and continued a greater part of the last summer, etc. Morgan Jones deposed the same. Sworn in court.

Henry Cooke deposed that he, being at the north field pound, had discourse with Farmer Porter about the earmarks, etc. Mr. Gardner also went into the pound with him. The colt had been burnt in the mouth for the lampers, etc. Sworn in court.

John Burton, jr., aged about twenty years, deposed that this colt was one of his father's and he helped mark him, etc. Sworn in court.

Samuel Eburne, jr., aged about twenty-two years, deposed that this was the colt that Goodman Burton bought of Mr. Gardner, and he had seen him in Burton's yard almost every day for two winters and in the summer time in the woods, etc. Sworn in court.

John Porter, Israel Porter and William Shaw deposed concerning the earmarks. Sworn in court.

William Flint, aged about fifty-eight years, deposed that John Burton told him in March last that he had found the colt which

Philip Harding v. Mathew Barnes. For withholding 45s. due for house rent for his wife. Withdrawn.\*

Mr. Jonathan Wade v. Mr. John Croad, Mr. Walter Price and Mr. Richard Cooke. Debt of 1000li. Verdict for plaintiff. Court moderated the damage to 550li. Appealed to Court of Assistants. Capt. Geerish bound with defendants.†

he lost in January. John Porter, jr., deposed the same. Sworn in court.

Anthony Needham testified that he branded this colt with an S., at his house, etc. Sworn in court.

Hugh Jones, aged about twenty-five years, testified that he had the care of this colt the best part of a winter, when he lived with Mr. Gardner, his master. Sworn in court.

\*Writ, dated, 5: 9: 1661, signed by John Waytz,‡ for the court.

†Writ, dated, Sept. 27, 1661, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich.

James Whetcombe, aged about twenty-eight years, testified that he had lived in the Barbados from the latter end of January, 1659 until Sept., 1661, during which time muscovadoe sugar was sold for twelve and fourteen shillings per hundred. This last summer, he would have sold for twelve shillings per hundred but could not get so much for it. The common price it passed for in taverns and common victualing houses was two pence per pound, and this was the general estimate of muscovado sugar among all men. Sworn, Dec. 9. 1661, before Thomas Savage,‡ commissioner.

Timothy Prout, aged about forty years, testified that he was in the Barbados this last summer, at the house of Mr. Jerimiah Eginton, "where seuerall friends were mett with Mr. William Rosewell and Liue<sup>th</sup> Richard Cooke in relation to the satisfiing M<sup>r</sup> William Rosewell a Certaine quantite of suger for the account of M<sup>r</sup> Jonathan Wade of Ipswich which M<sup>r</sup> John Croade and him self and M<sup>r</sup> Price stood Ingaged to pay as thay sayd unto mee, but by Reson of the unseasonableness of the yeare sugers was very scars so that it Could not bee presently obtained to make satisfaction therefore the sayd Cooke tendred to secure him with the whole ships Cargoe that was then there which was worth about one hundred thousand pounds of suger besids M<sup>r</sup> Robert Gale and M<sup>r</sup> Jerimiah Eginton tendred to bee securitie for it but M<sup>r</sup> Rosewell answered that hee Could take nothing but sugers therefore After much Agitation this was the Conclusion and Agreement with M<sup>r</sup> Rosewell that M<sup>r</sup> Nathaniell Bisco should bee paying in the sugers unto M<sup>r</sup> John Partridge who was to receaue it for the accoumpt of M<sup>r</sup> Jonathan Wade," etc. Sworn in court, 11: 10: 1661, before Hillyard Veren,‡ cleric.

‡Autograph.

Mr. George Corwin v. Danyell Killum. Debt.\*

Osmand Trask v. Roger Hascall. Battery. In assaulting him upon the highway, striking him several blows with a pitchfork, bringing blood and bruising his body. Verdict for plaintiff. †

\*Writ, dated, 20 : 9 : 1661, signed by Hillyard Veren, † for the court, and addressed to the marshal of Salem.

†Writ, dated, 13 : 9 : 1661, signed by Hillyard Veren, † for the court, and served by Benjamin Baloh, † constable. Roger (his mark) Haskall bound for his appearance at next Salem court. Wit: Roger Conant. †

Roger Conant, † Henry Herick † and Benjamin Balch † certified that they had measured the highway at the clay pit by Roger Hascal's hill, and found it two poles and five feet in breadth and four poles to the further part of the pit.

Summons, dated, 14 : 7 : 1661, to Osmond Trask of Salem, upon complaint of Roger Haskell that said Trask had taken away clay in a forcible manner to the damage of the highway, to appear at Epswidg court, and signed by Samull. Simonds. †

Hosea Traake's bill of charges, 2li. 2s. 4d.

Jefferie Massey, † aged about seventy years, testified that the clay pit in the lane near the house of Rodger Haskoll was within the bounds of twenty acres of land long since granted to William Wodberie and widow Brane. Sworn before Hillyard Veren, † cleric.

Nicolas Woodbery, aged about forty years, and William Haskell, aged about forty-two years, deposed the same.

John Harris, aged about eighteen years, testified that he saw Roger Hascall come out to Osmond Trask with a pitchfork, and strike him two blows on the head or shoulders, so that said Trask cried out, whereupon deponent's master, William Dodge, together with Jo[hn] Dodge, William Fiske and deponent ran to them. Sworn in court.

William Dodge deposed that he saw Osmund Trask digging clay over against Roger Hascall's door, and the latter threw said Trask down and told him "he would fetch y<sup>t</sup> would Sett him further." Sworn in court.

William Harskall testified that the old fence that was set up formerly did stand over part of the clay pit hole, and that the four poles set out for the highway did not reach over the said clay pit by six feet, etc. Robert Hebord deposed the same. Sworn in court, 12 : 10 : 1661, before Hillyard Veren, † cleric.

Georg Emory testified that he let said Trask's blood on Sept. 12, being distempered in his body. Sworn, 17 : 7 : 1661, before W. Hathorne. †

John Dodge, aged twenty-two years, testified that he took the

†Autograph.

Josiah Rootes v. Thomas Chubb. Defamation. Saying that plaintiff had stolen his timber and some of his tools, with other words of reproach, etc.\*

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said Hascall away from Trask, and asked him if he would kill the man, etc. Sworn in court.

John Saffal, aged about thirty years, testified that he was going to Salem on 14 : 5 : 1661, when he heard the dispute. Roger Haskal, being surveyor, ordered Trask to stop digging, etc. Sworn, 9 : 25 : 1661, before Daniel Denison.†

John Miller, aged about twenty-two years, deposed that Hascall gave Trask leave to dig clay there.

Philip Fowler and wife, Mary, testified that about a year since they were coming to Roger Hascall's in the evening and both their horse and themselves were in danger from the clay pit in the highway, etc. Sworn, Oct. 19, 1661, before Daniel Denison.†

Elizabeth Thorndike, aged twenty years and upward, deposed that she was at Haskall's house, during the stir between plaintiff and defendant, and looking out through a broken place in the window, she saw Haskall go down the hill. She did not see him strike Trask, but the latter held up his spade and made for said Haskall two or three times, etc. Sworn, 21 : 8 : 1661, before Wm. Hathorne.†

William Haskall, aged fifteen years, deposed that when Trask came to get clay, deponent's father told him to go with him to the lower side of Trask's oxen. That the latter struck at his father, whereupon Haskall took up a pitchfork, etc. Trask held deponent's father by the neckcloth. About three weeks before, his father had forbidden Trask digging clay there and had driven away his oxen. Sworn, 21 : 8 : 1661, before Wm. Hathorne.†

Roger Hascoll's plea : That he had a right to his own land, according to law ; that he could bring sufficient evidence to prove his damage in having a pit nearly six feet deep laid open so near his door, which was very dangerous for his cattle and carts, being so near his gate ; that he could prove that he had possessed this land thirteen or fourteen years, and he had never forbade any person passing over it, yet they did so by his sufferance ; that he should like to know how those who said it is a highway, know it to be so, as he had enjoyed it longer than some of them had known their right hand from their left, and if it were so, he would have known it before a stranger ; he forbade plaintiff digging clay there on account of the danger to those who passed that way, and because Trask had no need of it, having a great deal of clay at his own door much nearer than Hascoll's land ; he was continually doing damage by pulling down defendant's fences, carting over his land, letting out his cattle and letting in swine which rooted up his ground, pretending to have leave ; that he struck said Trask only in self-defence, etc.

\*Writ, dated, 9 : 9 : 1661, signed by Hillyard Veren,† for the

†Autograph.

Nicolas Merble v. Jon. Andrews and Jeremiah Belcher. Debt. Nonsuited.\*

Mr. Phillip Nelson and Mr. Jeremiah Juett, executors of the estate of Mr. Joseph Juett v. Zacheus Goold. Debt of 200li. due by bond. Withdrawn.†

Henry Russell v. Mark Hascall. For an account of the hire or profit of one-half of the ketch Frances and Hanna for thirty months, said Hascall not having given in his account to the said part owner. Withdrawn.‡

Jon. Hathorne v. Edward Calcord. Forfeiture of a bond of 30li. according to attachment. Verdict for plaintiff.§

Jon. Hathorne v. Samll. Eldridg. Debt due by book, as the balance of accounts.¶

court, and served by Benjamin Balch,¶ constable of Salem, by attachment of the house and land of defendant.

\*Writ: Nicolas Marble v. John Andrews and Jeremiah Belcher; debt; dated, 14: 9: 1661; signed by Robert Lord,¶ for the court; and served by Robert Lord,¶ marshal of Ipswich.

†Writ: Mr. Philip Nelson and Jerimiah Jewett, executors of the estate of Mr. Joseph Jewett v. Zacheus Gould; debt of 200li. due by bond; dated, 20: 9: 1661; signed by Robert Lord,¶ for the court; and served by Robert Lord,¶ marshal of Ipswich, by attachment of a parcel of goods in defendant's house.

‡Writ, dated, 6: 9: 1661, signed by Hillyard Veren,¶ for the court, and served by Samuell Archard,¶ marshal of Salem.

§Writ, dated, Nov. 8, 1661, signed by Fra. Johnson,¶ for the court, and served by Abraham Drake,¶ marshal of Hampton, by attachment of a lathe and turning tools of defendant.

Copy of records of Salem court, 26: 4: 1661: John Hathorne v. Edward Calcord. Debt. For not delivering 6,000 feet of boards, according to agreement. Defendant and his surety, George Halsell, being legally called and not appearing, forfeited their bond for non-appearance. Copy attested by Hillyard Veren,¶ clerico.

¶Writ: John Hawthorn v. Samuell Eldred; debt of 4li. 15s.; dated, 18: 9: 1661; signed by Jonath. Negus,¶ for the court; and served by John Wiswall,¶ constable of Boston.

John Hathorne's bill of cost, 1li. 6s.

Jno. Viall, aged about forty-two years, deposed that Samuell Eldredid showed him a note, a week before said Eldrid went away to the eastward to live, from Mr. Jno. Hawthorn, by which said Eldrid was debtor to Hawthorn about 9li. 15s. Five pounds of this was for a cow, which Eldrid would not own, but he said Mr. Lane was to pay that as being brought away by execution. The remain-

¶Autograph.

John Hathorne v. Samll. Eldridg. Debt. For withholding a cow to the value of 5li. or for not delivering her to Mr. Edward Lane of Boston, according to attachment.\*

Mr. Oliver Purchase was impowered by this court to look after and take into his hands the estate of Arsbell Anderson, deceased, and to take an inventory of the said estate and bring it into the next court.

der Eldridg agreed that he owed Mr. Hawthorn and he told deponent that he offered to pay Mr. Hawthorn at Mr. Lane's, but he would not accept it. Sworn, 22 : 4 : 1661, before Tho. Savage, † commissioner.

" Mr Edward Laine I would intreate to pay unto John Hathorne fower pounds tenn shillings which fower pounds & tenn shillings I asigne vnto John Hathorne as his proper right & intrest as part of that some you are indebted vnto mee and charge it vnto my account as so much payed to him who is yours to serve—this 9 March 1660

" Witnes :

" Samuell (his marke) Eldridge.

" Isack willyams †

Joseph Armitage" †

Thomas Prentis † of Cambridge gave bond, dated, Nov. 21, 1661, to William Salter, † prison-keeper of Bostowne, for Samuell Eldreed's appearance at the next Salem court to answer John Hathorne's complaint, in an action of debt.

\*Writ, dated, 18 : 9 : 1661, signed by Jonath. Negus, † for the court, and served by John Wiswall, † constable of Boston.

Benjamin Muzzee, aged about thirty years, testified that he was sent to Mr. Eldridge's to kill a cow, and when he arrived there he saw that it was marked J. G. upon the horn. He did not kill her at that time, but in a few days after, living at this farm, deponent understood from the family that this cow was killed. Sworn in court, June 26, 1661, before Hillyard Veren, † cleric.

John Hathorne's bill of cost, 1li. 12s.

Capt. Marshall and Samuell Benitt, sr., deposed that he and Samuell Eldridg were at John Hathorne's house, when the latter asked said Eldridg what had become of the cow that said Hathorne left with him to deliver to Mr. Layne. " I haue now payd M<sup>r</sup> Layne & therefor demand the cow of you." Eldridg acknowledged that he had killed the cow, but said that Hathorne must go to Mr. Layne for it, etc. Sworn in court, 26 : 4 : 1661, before Hilliard Veren, † cleric.

Thomas Prentis † of Cambridge gave bond, dated, Nov. 21, 1661, to William Salter, prison-keeper of Bostowne, for Samuell

†Autograph.

John Godfery v. Job Tyler. For refusing to deliver him a receipt, which he had of Robert Lord, sr., concerning twenty bushels of wheat, paid said Lord for the said Godfery, and which was left out of a bond due from him to Jon. Godfery at Anthony Somerbye's last year. Verdict for defendant.\*

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Eldred's appearance at the next Salem court to answer John Hathorne's complaint about withholding a cow from Mr. Edward Lane.

\*Warrant to Job Tiler, dated, 8 : 9 : 1661, signed by Richard Littlehale,† for the court, and served by Thomas Chandler,† constable. Job Tiler's† bill of charges, 11i.

Anthony Somerby† deposed that when said Tiler and Godfry were at his house in March or April last, said Godfry delivered up a bond to said Tyler of wheat and rye, the sum he could not remember, and also paid for said Tiler one shilling which he owed to deponent. "I am very ill with a paine in my back that I am not able to go nor Ride with any comfort."

Moses Tiler, aged about nineteen years, deposed that the receipt of twenty bushels of wheat that Job Tiler delivered to Goodman Lord of Ipswedge was paid since the last bond was made to Jno. Godfree. Moses Tylar further deposed that John Godfry told him that the five and one half bushels of wheat, which he paid to Thomas Johnson for a pair of wheels that Job Tyler had, was put into a bond not yet due.

Gorg Abbut, aged about thirty years, testified that he heard Job Tyler say that he was to carry that twenty bushels, which he had at deponent's house, to Goodman Lord of Ipswech for Godfre. Further, Tyler owned that wheat to be Godfre's and that he gained five pecks by the measure of that wheat of Godfre's. Sworn, Nov. 25, 1661, before Simon Bradstreete.†

Thomas Chandler, aged about thirty-two years, testified that upon going to Job Tyler's house to serve an attachment, he was requested by John Godfre to demand the receipt, etc. Sworn, Nov. 25, 1661, before Simon Bradstreete.†

Nathan Parker, aged about forty-two years, testified that he owed John Godfry two bushels of wheat last summer and the latter told him to pay it to Job Tylar, and said Tylar told deponent that he was to receive it and as some of his family informed him, there were seven pecks delivered at one time and one at another. Later, said Tyler acknowledged to deponent that he had received the two bushels. Sworn, Nov. 25, 1661, before Simon Bradstreete.†

Execution against Job Tyler, dated, 18 : 11 : 1661, in satisfaction of a judgment granted to John Godfery at Salem court, Dec. 10, 1661, signed by Hillyard Veren,† cleric, and returned by Thomas Chandler,† constable of Andevor, deputy of Samuell Archard,† marshal of Salem.

†Autograph.

Jon. Godfery v. Job Tyler. Debt. Verdict for plaintiff.\*

\*Writ, dated, 8 : 9 : 1661, signed by Richard Littlehale,† for the court, and served by Thomas Chandler,† constable of Andover.

"Job Tyler is Debt<sup>r</sup> to John Goodfery for seuerall things had of him or by his order at severall times." Paid Thomas Johnson for Job Tyler, 5 1-2 bushels of wheat, 1li. 7s. 6d. ; pd. Moses Pengry for him, 4s. ; for goeing to Salsbery for him to fetch writings out of ye Court Records, 5s., and ferrig, 8d., 5s. 8d. ; 5 peckes of wheat, above measure, yt. he kept for himself, 6s. 3d. ; 1 Bushll. & a gall. of wheate meale, 5s. 7d. ; 1-2 Bushll. Indian meale, 1s. 6d. ; 2 mo : 1661, a bushll. of wheat he was to pay Mr. Rawson for Godfrey, 5s. ; 27 dayes worke last sumer at Reaping, hay makeing, & other work at 2s. a daye, 2li. 14s. ; pd. Goodman Somersby for you, 2s. 2d. ; in the year 1660, pd. John Kenrick for a pail for you, 2s. ; pd. for ferrieng for him at Salsbury & Newbery, 1s. 6d. ; total, 6li. 14s. 2d. Signed by John Godfery.† 1li. of tobacco, 1s. 4d. ; 2 new bibles, 16s. ; a bagg, 6s. ; total, 6li. 18s. 6d.

Moses Pengry, aged about fifty years, deposed that several times within a year, John Godfrey had come to his house with Job Tiler of Andover, and ordered deponent to charge said Tiler's expenses to his account, which he did, and upon perusal of his books, deponent found that Tiler's account was four shillings, which John Godfrey paid. Sworn, Nov. 19, 1661, before Daniel Denison.†

William Randall, aged about forty years, deposed that John Godfry and Job Tiler were at his house the last spring, and the latter desired said Godfry to go over in the night to Salsbury to take out records which were in Mr. Bradbury's hand. Godfry brought the records, and said that he paid double ferriage for his passage back and forth, and that it cost him five shillings. Tiler said, "I haue no pay here to pay but I will be honest John, and will promise you to pay you as soone as I come home." Sworn, 18 : 9 : 1661, before Daniel Denison.†

Goodwife Busse deposed that the middle of last summer, she delivered to Moses Tyler a bushel and a gallon of John Godfrie's wheat meal, which he said he was to carry home. At another time, she delivered to him half a bushel of Indian meal. Deponent further testified that Job Tyler promised to pay a bushel of wheat to Mr. Rawson for John Godfry about last April, which he acknowledged was due to said Godfry. Sworn, Nov. 25, 1661, before Simon Bradstreet.†

John Carr, aged about twenty-two years, and Moses Tyler, aged about nineteen years, deposed that John Godfry came to the house of Job Tyler on a Sabbath day, after afternoon meeting, and demanded a reckoning of said Tyler. The latter said he thought it strange that he should be so earnest, being not a convenient time,

†Autograph.



Will\* of Hugh Burt, deceased, was brought into court by the

and that he would reckon with him in the morning. Whereupon said Godfry was in a rage, and said he would take a sudden course, and Tyler bade him be quiet for he would not wrong him of a farthing. So said Godfry stayed there until the morning, when Tyler offered to reckon with him, but he refused, because he did not have his book. Tyler told him that if he would appoint a day at town, he would go and reckon with him, but said Godfry went his way without answering. Mary Tyler, aged about eighteen years, testified to the same. Sworn, Dec. 9, 1661, before Simon Bradstreete.†

John Godfere's bill of charges, 2li. 16s. 6d.

"To Job Tiler of Andouor

"I pray you pay to John Godfry two shillings & two pence which is due to me from you and this shall be your discharge nouember 18<sup>th</sup> 1661

"Anthony Somerby."†

On the reverse of the above paper is the following: "M<sup>r</sup> Wade Jo<sup>n</sup> whiple sen<sup>r</sup> Tho Burnum Cap<sup>t</sup> Geerish Jo<sup>n</sup> Pickerd as a Comitee to find out a Convenient place & order for building a bridg."

Thomas Chandler, aged about thirty-two years, deposed. Sworn, Nov. 25, 1661, before Simon Bradstreete.†

Thomas Johnson, aged about twenty-eight years, deposed. Sworn, Nov. 25, 1661, before Simon Bradstreete.†

\*Will of Hugh Burt† of Lynn, dated Oct. 7, 1661, was proved, 26 : 9 : 1661, by Andrew Mansfeild and Richd. Johnson. He bequeathed to "my sonn will : Bassitt 2 accors of Salt marsh in the Last deuision in Rumny marsh which I bought of Timothye Cooper : which Lyeth next to his (viz) after my wifes desease : then to him & his heires forever : It : to my son Bassett to him, & his heires for euer : five acors of vpland Lyeing amongst Henrye Collins Land which I bought of Robt : Mansfeild which is yet vndeuided It : I bequeath to my sonn will : Bassett all my weareing Apparrell. It : I bequeath to my two grandaughters || marye, & Sarah || the daughters of my sonn Hugh Birt deseased each of them, a cow when they Come to the age of twentye || one || years which are to bee paid by my sonn Edward Burt because I gine him halfe my Land at my deseas. It : I bequeath to my sonn Edward Burt Halfe my houseing Land & medow vndisposed of in this will : at my desease It : I bequeath to my Sonn Edward Burt all my Houseing Land, & medowes vndesposed of (viz) at my wifes desease It : I bequeath to my wife one Halfe of my Houseing Lands & medowes vndesposed of in this my will (viz) at my desease dureing her Lifetyme It : I bequeath to my sonn Edward Burt Halfe my chatles sheep & swine at my

†Autograph.

widow, proved and allowed. Inventory\* of the estate amounted to 144li. 4s. 9d.

Mr. Edmond Batter and Mr. Joseph Humphrie, administrators of the estate of John Humphries, Esq., deceased v. Richd. Johnson. For possessing and occupying a certain parcel of meadow, containing about six acres, for divers years past, said meadow belonging to John Humphries. Verdict forp laintiff.†

Desease: & some Corne | not halfe | & some hays It: It: I bequeath to my wife all my goods within dores to bee at her dispose: It: I make my wife my executrix It: my desyre is that m<sup>r</sup> Nathaniell Handforde & Andrew Mansfeild | should | [be?] overseers of this my will &c: & bequeath each of them a noble for their paines Memorandum I acquitt my sonn Edward Burt of all the monyes that | hee | received of mine in England | of all debts whateuer | & alsoe I giue vnto my son Edward Burt all my right & interest in any houseing, or Land in London that came to mee by my brother John Burt, deceased. In witt<sup>e</sup> where of I haue sett my hand the Daye & yeare & aboue ritten this my will being interlyned in the memorandum: & two words in my sonn Edward Legassey. Hugh Burt."† Wit: Nathaniell Handforth,† Andrew Mansfeild,† William Bartrum† and Richard (his mark) Johnson.

\*Inventory of the estate of Hugh Burt of Lynn, who deceased Nov. 2, 1661, taken, Nov. 13, 1661, by Nathanel Handforth,† John Deakin† and Andrew Mansfeild†: Apparrell, 5li.; Beds, bouldsters & pillows, 8li. 15s.; Ruggs & Blanckitts, 4li. 4s.; Sheets, pillow-beers, napkins & other Lining, 6li. 19s.; Iron, Brass & puter, 4li. 7s.; Armes & Amunition, 1li. 10s.; Chests & boxes, 1li. 5s.; Tables, forme & Carpett, 1li. 3s.; Lining & woollen yarne, 1li. 5s.; Bybles, 14s.; Apples, 1li. 2s. 6d.; Lumber, 3li. 7s.; wheat & Indion Corne, as haveing Received dalmage, 3li. 13s.; seaven sheepe, 3li.; Three Cowes & one Calfe, 13li. 10s.; Swine, 3li. 17s.; Houseing & Lands, 75li. 10s.; Hays, 2li. 10s.; moneyes, 1li. 10s. All debts that doth appeare being pd., ther remains more dew to the estate, 3s. 3d.; total, 143li. 4s. 9d. Memorandum which was forgotten, Hays, 1li.

†Writ, dated, 19: 9: 1661, signed by Hillyard Veren,† for the court, and served by Thomas Farrer,† constable of Lynn, by attachment of the house and land of defendant.

Thomas Townesend, aged about sixty years, deposed that he sold Mr. Dellingham, who was employed by Jno. Humphreys, Esq., this six acres of marsh now in controversy lying in Rumney marsh and was fully satisfied for it. Deponent further testified that said Humphreys possessed this marsh and quietly enjoyed it as long as he was in the country. "And Further he sayth y<sup>t</sup> the sayd Humphreys did pay him part of y<sup>e</sup> pay himself & y<sup>e</sup> Rest payd by m<sup>r</sup>

†Autograph.

Robt. Hazelton v. Steeven Kent. Forfeiture of a bond of 50s., by which said Kent was bound to said Hazelton to stand to the arbitration of Mr. Joseph Juett and Henry Palmer, concerning damage done by defendant's hogs in plaintiff's corn in 1659. Verdict for plaintiff.\*

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dellingham this meadow being Att first giuen to me by the towne of Lin & doeth still stand upon Reccord : in Lin Bookes & this deponent sayth y<sup>t</sup> Rich. Johnson hath made use of this sayd meddow for seuerall years past." Sworn in court, 12 : 10 : 1661, before Hillyard Veren, † cleric.

Daniell Salmon, aged about fifty years, deposed that this marsh was called Mr. Humphrey's marsh, and Mr. Otley "did Inioy it as for master Humphreys for he on an acation would haue had me for to haue had this marsh for to haue done some bussnis for M<sup>r</sup> Humphreys." Sworn in court.

Edward Richards, aged about forty years, deposed that he remembered that Jno. Humphrey, Esq., deceased, employed Mr. Dillingham to purchase this land in Rumney marsh and that deponent carried the pay from Humphrey to Dellingham, etc. Sworn in court.

Mr. Edmond Batter's and Mr. Joseph Umphrey's bill of cost, 1li. 16s. 8d.

On the reverse of the above paper is the following :

"There is 500 Acers of Land And A fresh — Conteyning About 2 Acres graunted to — Lying betwix nor & west from Sa— Noe part of ye 500 Acres w<sup>h</sup>in 5 — Now planted Allsoe It is Agreed y<sup>t</sup> y<sup>e</sup> — Saugust And Sallem shall haue Li — houses upon y<sup>e</sup> sayd lland : And to — As they Judge Necessary for their use."

\*Writ, dated, 12 : 9 : 1661, signed by Richard Littlehale, † for the court, and served by John Huchin, † constable of Haverhill, by attachment of defendant's dwelling house.

William White and Bartholl. Heath deposed that they were chosen by Robertt Haseltine in August, 1659, to view damages done by hogs in his corn, which they judged to be ten bushels of Indian corn. The next spring, said Haselton and Stephen Kentt made choice of Mr. Jewett and Henry Palmer to arbitrate the damage, as appeared by a bond, and said arbitrators desired deponents to give in what damage they found, which they did. Then the arbitrators declared that they awarded Robertt Haseltine thirty shillings in pork or wheat to be paid by said Kentt next Micaltide. This declaration was made in the presence of Stephen Kentt and Robertt Haseltin, in the house of Bartholl. Heath. Sworn, Oct. 22, 1661, before Simon Bradstreete. †

†Autograph.

## COURT HELD AT SALEM, 10: 10: 1661.

Court ordered the constables of Wenham to pay John Salare, ordinary keeper, five shillings out of their town's country rate, for the expenses of a prisoner brought from Hampton to Boston goal, and to discount so much with the country treasurer.

Arther Sandy had his former license renewed.

Hillyard Veren, having been chosen sergeant of the foot company of Salem, was allowed and confirmed by this court.

Inventory\* of the estate of Wm. Cockerell, deceased, amounting to 81li. 15s., was allowed. Court ordered that the estate remain in the hands of the widow during her life and that, at her death, it be divided among the children. If she married again, the court was to order the estate as it should see cause.

Bond of Stephen Kent† and Robert Hasltine,† dated, Mar. 21, 1659-60, to stand by the arbitration of Mr. Joseph Jewett and Henry Palmer concerning damages done in Robert Hazeltine's corn by said Kent's hogs, and all other expenses of said Hazeltine's, except his going to Rowly and Andover, etc. If they did not agree, they were to choose a third man, and end it before the next Friday at night. Wit: Richard Littlehale,† who made oath, Nov. 23, 1661, before Simon Bradstreete,† that he saw the bond signed and delivered.

Henry Palmer of Haverill testified that Mr. Joseph Just and himself, as arbitrators, appraised the damage, etc. They refused to end it "according to law," because they conceived that they had no power to swear witnesses. Sworn, Nov. 23, 1661, before Simon Bradstreete.†

Robert Hesletine affirmed that the arbitration was ended within the time appointed, and that the arbitrators were not to end it according to law.

Robert Hesletene's bill of cost, 1li. 15s. 1d.

\*Inventory of the estate of Willm. Cockrell, deceased, taken Dec. 6, 1661, by John Browne† and Edmond Batter:† One dwelling house, out house and 1-4 Acre land, 30li.; one Acre land near to Franc. Collince, 8li.; 1 Cowe, 4li. 10s., 1 swine, 10s., 5li.; Rugge, Covrled, 2 pr. blankets, 2 featherbeds & bolsters & 2 Curtaynes, 12li.; pewter, 2li. 10s.; brasse & Iron ware, 40s., 4li. 10s.; 1 Table, Chaires, Chests & other lumber goods, 3li. 8s.; 1 peec & 1 Remnant Ossenbriggs, 3li.; sheets & other linnen, 7li.; 1 suet of Cloaths, 2li.; 3 Remnants Carsy, 2 Remnants Serdge & 1 Remnant broadcloath, 6li.; 1 silver spoone, 5s., & 4 Bushells In Corne, 17s.; total, 81li. 15s.

†Autograph.

John Hathorn had his former licenses renewed for the year ensuing.

The court accepted a return of a highway made by several men, appointed by Salem and Redding to lay out the said way, as appears by their return now on file.\*

\*Peter Palphry,† John Wesson,† John Porter† and Nathaniel Putnum,† appointed by Redding and Salem to lay out a country highway between the two towns, on Mar. 25, 1659, made the following return: "We began at A place Caled the butts In Salem bounds And soe through A plane Caled M<sup>r</sup> Jonsons plane & Soe through A little plane betwene A greate Rocky hill & m<sup>r</sup> Gidnys medow & then into Another little playne lying one the north side of dogge pond & Soe Into A great plaine Caled m<sup>r</sup> Humphryes plaine Leving m<sup>r</sup> humphryes pond on the Rite hand & Soe one In the Cartway that goeth to Stones meddow tell wee Come A little beyend two great pine trees where there is marked A Red oake one the one side of the path & A white oake one the 'other side the pa[th] & then wee turne to the left hand over A Swampe one the north side of goodman welmans house & Soe over a hill & Soe downe to A sledge of meddow & then wee turne more of to the left hand & So to the South east Corner of william Eatens feild & Soe over A River Called Sagust River & So throw the land of nicholas Browne betwixt A Swamp of pine & A Corner of meddow & Soe over the land of Zachary fitch to Nicholas Browne And Zachary fitch wee Runne A poole upon each mans lott tell wee Come at A greate white oake by the swampe side & then wee turne of to the rite to shun the Swampe Aboute sixteen poole upon firme upland upon Nicholas Brownes land & Soe right A long over dirty Slow & Soe Into the Cuntry way that Comes from Andever. . . the pole [way?] is laid out fower pole wide exsept that wich was within the fence of Nickolas Browne and Zachary fitches fence which was laid out to rod."

John Porter,† Nathaniell Putnum,† Peter Palfry† and John Wesson,† being chosen by Salem and Redding to lay out a country way between the two towns, on 24: 4: 1660, made the following return: "Beginning at a place Caled y<sup>e</sup> butes in Salam bownes so alonge thorow a plaine Caled M<sup>r</sup> Johnsones plaine so thorow a littell plaine betwene agreat Rocki hill and M<sup>r</sup> Gidnes meddow so thorow another littell plaine leuing a brushy pond Caled doog Poond one the left hand and so to and thorow agreat plane leuing M<sup>r</sup> Umphery ponde one the Right hand And so along to y<sup>e</sup> Corner of John Knites feild leuing it a littell one y<sup>e</sup> Right hand and so over a Biner Caled Saugust River and so ouer the Land of Nicklas Browne and so along to a fensed feild belonging to Nicklas Browne

†Autograph.

Whereas there was security taken of a house and land at Ipswich, for the payment of several portions to the children of Wm. Lampson, deceased, according to Ipswich court record of Mar. 29, 1659, until other security be given, and Thomas Hartshorne of Redding, coming into court and tendering the house in Redding where he now dwells, with fifteen acres of land adjoining, and seven acres of meadow in two several parcels, bounded as is expressed in a writing given in to court, and now on file, in the Salem court records, the court accepts the latter security and releases the former.\*

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and Zakaray fitch and so along the line between there too lootes nere a swampe And thene turne one the Right hand abought twelue or fowrten Rode vppone the growne of Nicklas Browne to goe Cleare of the swampe and so to a bridge overe a place Caled y<sup>e</sup> slowe & so to the cuntery way that leadeth from Andiuer to Redding And the seuerall proprietors with vs are well saticefied With this that wee haue done."

\*Petition of John Ayres and William Fellows: "Wheras o<sup>r</sup> Brother william Lampson late of Ipswich dyed intestate and Administration granted by the Honered Court at Ipswich to his widdow our sister Sarah Lampson and devided the estate about halfe to her & halfe to the children being eight in number and whereas shee being about to change her estate to one Thomas Harteshorne of Redding It was agreed that before mariage he should signe and seale a wrighting to give our sayd sister power & liberty to dispose of the one halfe of the estate she brought to him by way of will (of w<sup>h</sup> there is sufisient wittnes besydes our selues) but by pvidence that wrighting being neglected to be finished before mariage (though then pmised it should be done after) but it is now refused and therby the children of o<sup>r</sup> Brother william Lampson like to suffer And wheras the estate in the Inventory delivered into court was underprised espeshally the Land w<sup>h</sup> now appeareth to be worth eightye pound w<sup>h</sup> was then prised but forty foure pound

"Our Humble request to this Honered Court is that the children of our brother may Inioy a pt of the advance of there fathers estate and doe humbly intreat (if this Honered Court shall thinke fitt) that the Land may be to pay the childrens portions, it being prised in the Inventory as before exprest & there portions fitye foure pounds & soe there portions will be advanced twentye six pound & the widdow still haue about halfe the estate and that it would please the court that those children that are put out may haue there portions improved for there use & benefitt; that ; when they come to age to reciuie the same, that being all (as the case now stands) that they are like to haue of there Fathers estate."

†Autograph.

Witnesses in presentments for absence from public worship ordered to be paid by the marshal.

James Harmon and Peeter Harvy were fined for breach of the peace.

Mr. Georg Gardner was licensed to retail strong water out of doors.

Mr. Stileman's former licenses were renewed for the year ensuing.

John Dymont was fined for drinking to excess.

Mr. Symond Tuttle, bringing in a letter of attorney from Mrs. Joanna, executrix of Mr. John Tuttle, the will of the latter having been approved and allowed in Ireland to the satisfaction of this court, it was ordered that said Symond Tuttle be allowed as attorney, according to the letter bearing date, Jan. 29, 1660.

George Michell and Lawrence Barnes were fined by Major Hathorne for being drunk.

There being a complaint of about fifteen trap lines stolen from Roger, the Indian, out of his wigwam, and it being proved that some trap lines were seen at Job Tyler's, which the latter acknowledged, the matter was referred to the next Ipswich court.

John Portor, jr., having been bound over to this court to answer for his profane, unnatural and abusive carriages to his natural parents, and for abusing authority, the court ordered that he be committed to the house of correction and kept there, according to the rules of the house, until next Ipswich court, and then to be

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Copy of Ipswich court record of Mar. 29, 1659, concerning the administration and division of William Lampson's estate, made by Robert Lord,\* cleric.

Thomas Hartshorne of Redding tendered as security, instead of the land at Ipswich, his house in which he dwells, and fifteen acres of land in Redding, bounded on the north by land of James Pike, on the south by land of Walter Fairefield, on the east and west by the common; also three acres of meadow at Reeva in the same town, bounded on the north by the meadow of Henry Felch and by the common on the other three sides; also four acres of meadow in the great meadow in the bounds of Lynn, bounded on the north by the meadow of Edward Hutcheson, on the south by the meadow of Isaack Harte, on the west by the common, and on the east by Isaack Hart's farm.

\*Autograph.

bound to good behavior or continued in the house of correction, as the court shall see cause.\*

\*Letter addressed "For his Honored & much Respected Father John Porter in Salem These:"—

"Nouembr the 18 : 1661

"Deare & Lo : father

"S<sup>r</sup> : These few Laines In the absence of my Poor exiled selfe yo<sup>r</sup> Sonn ; though as now things stande yo<sup>r</sup> prisoner, may they in y<sup>e</sup> roome of my selfe ; finde fau<sup>r</sup> in yo<sup>r</sup> eyes, unto which end they bee principally designed are to present you with my humble & childe like duty, tendering the same to my Deare mother, giueing you both to understande ; that to my great heart ; greife, I Lament that Strange Distance that is beetween you & my poore Slefe ; I Say Distance because though, wee are not manny miles a Partt in Respect of Place ; yet by Reason of my not beeing Suffered to visitt my fathers house, & my father not chsuseing to come neare his Poor childe ; to w<sup>h</sup> I may add both what I haue already and might haue ; or may suffer, in respectt of present Diffrences I may well tirme it a Strange Distance ; and truely among the many Sad Disasters that both by Sea & Land I haue to my both Losse & greife mett with all, I Can assuredly affirme, that not one of them all, yea not all put together, haue halfe so much aggreiued, troubled, o<sup>r</sup> Sadned my Spirits as this present uncomfortable & I may say Dolefull falling out between yo<sup>r</sup> Selfe & me ; Whirefore be Pleased to understand that though throug mercy the Prison hath not been my grindeing place ; yett With as reall humility and unfeigned submission, I Desier from my Soule to make my peace with you, as If I had Suffred the Shame, & Undergone the Penury which Poor Prisoners in the Common gole mett with, Now Deare S<sup>r</sup> lett not yo<sup>r</sup> Spiritt Disdayne to accept of my reall Desier of ; being reconciled to you & my mother, no<sup>r</sup> Let any by respects holde you of from beeing willing to imbrace him ; who from his very heartte Laments, his unworthy & untoward Deportment to yo<sup>r</sup> slefe Craueing yo<sup>r</sup> Candor in being, as redy to forgiue & forgett, as I am to acknowledge confesse & forsake yea to Deteste & : abhor all my miscarriages I have onely this to add ; that I would not haue you thinke, I am yo<sup>r</sup> Late, I will not say, on my Parte ; undeserved proceedings ; Constreynd to humble my selfe in this manner ; but Its the reall Sence of my Dutye & hearty Sorrow for my Slightings of my Parents w<sup>h</sup> I hope had not this course at all been taken, both Natur : & grace would have required ; But Since it is other wise ; I must Proffesse I begg yo<sup>r</sup> pardon ; & doe Entreate you For Loues Sake, For freinds sake, for gods Sake, to Passe it by, Prom-ising in the word of A true Childe, for futr, Soe to Cary my Selfe w<sup>h</sup> gods gracecious assitance as y<sup>t</sup> I hope I may meritt yo<sup>r</sup> & my

†Autograph.



John Burston, coming into court in an uncivil manner, reproached the court by saying they were robbers and destroyers of the widows and fatherless, that their priests devined for money and their worship was not the worship of God, interrupting and affronting the court, and upon being commanded silence, he commanded them silence and continued speaking until the court was fain to commit him to the stocks.

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mothers Loue, at least not incur yo<sup>r</sup> Displeasure, w<sup>h</sup> is y<sup>t</sup> I doe greatly Lament, I should be glad to see yo<sup>r</sup> Faces & If this may bee acceptable I hope to be soe happy as in all Love to make an end of all Differences ells with out Extremity Suits o<sup>r</sup> Law; this with my Duty to you both I rest yo<sup>r</sup>

“Dutyfull Sonn

“John Porter.”\*

Petition of John Porter, jr.,\* to the court: “Whereas your poore petitioner hath shamefully abused his Father, and mother, contrary to the very light of nature & much more contrary to the litle light of the word of God, which he hath bestowed on me (that with shame I may speake it) haueing had, & enioyed, such means as I have had, for so many yeares both in the publick ministry and in my fathers family also; that your petitioner is in some [small] measure sensible, of that unparrallell offence that I haue iustly giuen to my parents, to others, of my freinds, to the Commissioners, whome I did shamefully abuse, I am very sorry that I should so far forget my selfe, and the right rules, both of God [and] man, though I doe acknowledge I am in noe measure humbled according to the desert of my greate offences, yet with that small touch God hath been pleased (I hope in mercy) to giue me, of such haynous prouokeations I doe upon the bended knees of my soule, with shame of heart humbly beg pardon of the almighty, who might haue consumed me long agon, and I doe humbly (and I hope through grace) from my heart request the fauour of my parents that they would ouer looke my unworthy abusive carriage and behaiour toward them, and your poore Petitioner doth humbly beg forgiueness of this honoured Court of these my greate offences, and doe hope through the grace of God in Jesus Christ that neither my parents nor this honoured Court, shall euer haue anything of this nature, to complaine, but that your poore petitioner shall through the same grace behaue himselfe respectfully, to all authority, and with humble dutye unto my parents, and so to all other relations as I am concerned in, and shall be foreuer further obliged to this honoured court for this your so great clemency.”

Morgan Jones deposed on 30: 8: 1661, that he heard John

\*Autograph.

John Deverixe was ordered to pay 2li. to the treasurer for not presenting his appeal to the Court of Assistants.

Robert Hibbert was allowed witness fees in a presentment.

Court referred to Major Hawthorne all persons presented, who were unable to appear at last court according to summons, and he was ordered to have attachments given out for appearance at such time as he should appoint.

Roger Preson's license was renewed for one year.

John Cleark and Allester Greine were appointed administrators of the estate of Arzbell Anderson, deceased, and to be accountable to the court held at Salem in November, 1662. An inventory\* was also brought in and allowed.

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Porter, the younger, abuse his father and mother within the year. In the month of September, he abused him in these words, saying "thou Robin Hood; thou Hipocrite; thou art a good member thou art a Fit grand iuryman," etc. He also said to his mother "your tongue goes like a perriemonger," etc., and on Oct. 4, he called her a hypocrite. His father, delivering him a warrant that morning, said John Porter took it, broke it to pieces, uttering words in contempt of authority, saying that he cared not for Hathorne and his commissioners. Joseph Porter deposed the same and that said John called Hathorne and Batter vile names, saying that they had sent a warrant for him but "I will not goe before them: I will goe before Better men then they be." Sworn, 30: 8: 1661, before the commissioners.

\*Inventory of the estate of Arzbell Anderson, Scotsman, who deceased at the Iron works at Lyn, 13: 6: 1661, taken, 15: 6: 1661, by Edward Baker, Jno. Divan and Oliver Purchis, all of Lyn: Two Bed Blanketts, 14s.; 2 Coarse Shirts, 8s.; his wearing apparrell with 2 hatts, 6li. 5s.; A looking glass, 2s.; 1 yrd. of blew Callico, 1s. 10d.; 1 pr. of Worne Shooes, 3s.; A Razor, 1s.; 4 Axes, 10s.; A small playne chest, 3s. 6d.; In money, 5s. 10 1-2d.; A small mare & 2 Colts, 18li.; A Small Cow, 4li.; 2 steers yt. were in my Custody but after his deceased challenged by Corporall Jno. Andrewes to be his upon hire till May next, hee to pay then 20 shillings, wch. I desired to release upon Terms & hee promised mee if he could gett a payre of Oxen I should have them, but afterward he sent & fecht them away early in a morning & as I am Informed by Severall psons, he hath killed one & sold ye other, they were well worth, 12li.; so much as is due to him upon Accoats., 12li. 4s. 2 1-4d.; total, 54li. 18s. 5 1-4d. "This is a true Inventory of this estate at y<sup>e</sup> decease: as is testified by Oliver purchis, a Commissioner in Lyn. Only this to be excepted at p<sup>t</sup>sent one of y<sup>e</sup> Colts

†Autograph.

Benjamin Felton's bill of charges was allowed and was ordered to be paid by the county treasurer to the value of 38s. 6d., besides the amount of the said bill, to be paid by the parties, namely, Bennett, Kinderton and Huchesson.

Mr. Joseph Humphries, administrator of the estate of John Humphries, Esq., was given liberty to make use of 30li. of the estate for his necessary expenses.\*

Edward Eastwick's fine of 20s. was respitted until the next Salem court.

Mr. Frances Johnson was licensed to sell strong waters at retail, as other shop keepers do.

Mr. John Gedney's former licenses were renewed for one year.

Mr. Wade, John Whiple, sr., Thomas Burnam, Capt. Geerish

is Strayed & Cannot be found, & Certayne debts are demanded which I know some to be due." Total inventory, 54li. 15s. 5 1-4d.; debts paid out of the estate, 11li. 3s. 9d.; more for John Clarkes paines, 3li. 14s. 8 1-4d.; 40s. abated upon ye Aprisement of 2 Steers, 2li.; to be paid to Allester Greine by ye Courts order, 38li. "which by y<sup>e</sup> Courts order is to be pd to Allister Greime upon the old clearks warrant to John Clerke as atteste, 27: 9: 1662, Hill-yard Veren, † cleric."

Allister Mackmallens, aged about thirty years, deposed that for many years, whilst he dwelt in his own native country, in Scotland, he knew Allister Greime and his father and mother, who lived next neighbors to his, the said Mackmallens father's house, and he also knew Arsbell Anderson and his mother, who lived about a mile and a half from them, and the said Arsbell Anderson's mother and Greime's mother were near of kin. This was taken for granted by all the neighbors, and deponent always understood it so and there was never any question about it in Scotland that ever he heard of. Moreover deponent's father and mother had said in his hearing that they were near of kin. Sworn in court, 12: 10: 1661, before Hilliard Veren, † cleric.

\*Inventory of the estate of Jno. Humphreys, Esq., taken, 13: 10: 1661, by Edmond Batter† and Joseph Humfrey: † Jincken Davis of Lyne fined by the General Court to pay Mr. Humphries, 40li.; Jno. Hudson, now of New Haven, fined by the same authority to pay Mr. Humphrey, 20li.; Mr. Jno. Dunster, deceased, sold a windmill from Mr. Humphrey's land, 60li.; the farme at Lyne, now in the Occupation of Edward Ingles, —; sixe Acres of salt marsh in Rumney Marsh in the Occupation of Richard Jnoson. Court allowed the inventory and continued Mr. Ed. Batters and Mr. Joseph Humphries as administrators.

†Autograph.

and John Pickerd were appointed by the court a committee to find out a convenient place for a bridge at Ipswitch and to take order for building the same.

It was ordered that the bridge or causeway at the western end of the town of Salem be sufficiently repaired and a stone wall built against the side, at the county's charge.

The servants of Mr. Gedneyes house were allowed 7s. 6d., and Mr. John Browne's man, 18d.

Presentments brought into court, 25: 4: 1661, and ended in this court:—

Bettrice, wife of Wm. Cantlebury, was fined upon her presentment for wicked and reviling speeches toward her son-in-law, in wishing the devil might pick his bones, and for telling her daughter if she had such a husband, she would give the devil one limb to fetch away the other; also for endeavoring to withdraw the affections of his wife from him.\*

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\*Mary Felton, aged thirty-five years, deposed that several times in her hearing, the wife of Willm. Cantlebury had endeavored to alienate the affections of her daughter from her husband, using many reproachful speeches in deponent's hearing against said husband. Her daughter was weeping and praying her to be contented, for she had him that God had appointed for her and she was better contented with him than she should have been with those her mother nominated unto her. Deponent told the mother to be contented, as by the providence of God they were brought together, and to do what she could by good counsel and encouragement, that they might live lovingly together. The mother replied that there was no finger of God in bringing them together, but it was the mere act of the devil, and that the husband deserved to be hanged, with many other reproachful carriages and speeches. Once at deponent's house, she spit at him and told her daughter "that she would have scorned she should have touched the hemme of her coat they both being present." Sworn in court.

Elisabeth Buxton, aged thirty-eight years, testified that the wife of Willyam Cantlebery and her daughter Woodrow, were at deponent's house, and the latter heard her say to her daughter that Woodrow was both a rogue and a thief. Her daughter said she must prove it, and she said he was a thief because he had stolen the best flower in her garden, and a rogue because he had brought her to shame. Deponent told Goodwife Cantlebery that she did not well to speak to her daughter against her husband, but that she should do him the best good she could and give him good counsel, for now he was her son. Cantlebery's wife answered that

Edward Estwick was fined upon his presentment for abusing the constable in Mr. Gidnie's house, the said constable having been sent for to execute his office.\*

Hugh Joanes and his wife were admonished upon their presentment for suspicion of committing fornication before marriage, it being not fully proved.

Those persons, who were presented for frequent absence from the public ordinances on Lord's days, from 9 mo: 1660 to 4 mo: 1661, were fined as follows: The wife of John Kitchin and the wife of Anthony Needham, for twelve days, 3li.; the wife of Robert Buffum, the wife of Robert Stone, Samuell Salmon, and the wife of Samuell Shattock, fourteen days, 3li. 10s.; the wife of Joseph Pope, eight days, 2li.; the wife of Thomas Gardner, sr., and the wife of Georg Gardner, four days, 20s.; Samuell Gaskin

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the "divel should picke his bones before she would owne him to be her son." Sworn in court, 13: 10: 1661, before Hillyard Veren,† cleric.

Samuel Eburne, aged fifty years, deposed that, being at the house of Willm. Cantebery, his daughter Woodrow came in and her mother asked her where her husband was. She answered that he had gone to the doctor for physick for her father. Her mother used many reviling speeches against Woodrow, saying he was no man. Deponent was much grieved and desired her to forbear such opprobrious terms, and that seeing that they were married, she should endeavor to maintain love and unity between them. Her daughter wept bitterly and prayed her mother to forbear charging her husband with such untruths, but still she went on in bitter reviling and said she wondered how she could love such a wretch. Sworn in court, 13: 10: 1661, before Hillyard Veren,† cleric.

Summons also served on Anthony Buxstone and Mary Rowden, as witnesses.

\*Benjamin Felton, constable, deposed that Mr. Gidney sent for him to come to his house and bring his black staff with him, which accordingly he did, and when he came Mr. Gidney desired him to clear the room. Going into the great hall, there were two companies, one at one end and the other at the other end, whereupon he spoke to them to clear the room. Edward Estwicke, being at the lower end of the table, came to him and asked him what he did there; he told deponent he was a trifling fellow, took him by the shoulders and thrust him quite out of doors. This was also attested by John Blye and Joshua Turland. Sworn in court, 13: 10: 1661, before Hillyard Veren,† cleric

†Autograph.

and Danyell and Provided Sothwick, twenty days, 5li. each; and Michaell Shafin, sixteen days, 4li. John Kitchin, Joseph Boyce, the wife of Robert Wilsonn, John Marstone and William Marston also were convicted.\*

William Hoare, presented for suffering tippling at his house, was dismissed, it being not proved.†

Roger Hascall, presented for removing a bound mark, was dismissed, it being not proved.‡

Roger Hascoll, presented for striking Osman Trask, was fined.

John Mansfeild, presented for telling a pernicious lie, was dismissed, it being not proved.§

Arther Cary, presented for stealing a silver spoon and the bowl of another, was ordered to be whipped and to pay treble damages, which were 36s. Mr. Keiser, having received the bowl of the spoon at 4s., upon Cary's humble submission, it was ordered that Cary be freed from the whipping.¶

\*Summons, dated, 6: 9: 1661, also to the wife of Phillip Veren, Damarice Pope, the wife of John Sothwicke, the wife of Josiah Sothwick, the wife of Nicholas Phelps, Robert Gray, jr., and Hanna Burton, and witnesses, Hen. Skery, John Neale, John Deacon, Samll. Eborn and Nathanyell Felton.

†Summons, dated, 6: 9: 1661, to Robt. Morgan and Hen. Herick, as witnesses.

‡Zachri Herick, aged about twenty-six years, deposed that it was when Mr. Battore and Farmer Porttor were at Bass river to lay out a highway, that he heard Rogor Hascall say that he removed Goodman Grofor's landmark. Deponent also testified that he heard Osmantt Trask say in the presence of Roger Hascall that he came by Goodman Grofor's bounds and saw that it was removed, etc. Confessed in court by Roger Hascall, before Hillyard Veren,¶ cleric.

§Summons, dated, 6: 9: 1661, to Osman Trask, Zachary Herick and George Keiser, as witnesses.

¶Summons, dated, 6: 9: 1661, to John Mansfeild, and to witnesses, Adam Haukes, John Haukes and Walter Skinner. The latter was living in Readinge.

¶John Deven, aged about forty years, deposed that his son John found this bowl of a silver spoon in the chamber where Arter Cary lies. Further, that Georg Keser, being at their house, in the presence of his wife and himself, asked Arter Cary to help him to the silver spoon again and Arter answered that he could not help him now.

¶Autograph.

John Godfery v. Job Tyler. Debt.

Summons, dated, 6 : 9 : 1661, to Jon. Dodg. sr., and John Dodg, jr., as witnesses.

Summons, dated, 26 : 9 : 1661, to the wife of John Dymond as a witness in Arther Cary's presentment for stealing a silver spoon from George Keiser, and a piece of another, signed by Hillyard Veren,† cleric, and served by Robert (his mark) Burges, constable of Lynn, who "somoned the wife of Jn° Divin."

John Dod, aged about twenty-eight years, testified that he saw Peettor Joy drunk and that he swore several oaths. Sworn in court, 12 : 10 : 1661, before Hilliard Veren,† cleric.

Venire, dated, 6 : 9 : 1661, for men for the grand jury and jury of trials from Wenham, signed by Hilliard Veren,† cleric, and served by John Solard,† constable, who returned the name of Richard Kimball for the grand jury and Richard Coy for the jury of trials.

Venire, dated, 6 : 9 : 1661, for men for the grand jury and jury of trials from Lynn, signed by Hillyard Veren,† cleric, and served by Thomas Farrer,† constable, who returned the names of Francis Ingolla, William Craft, William Clarke and Richard Moore, for the grand jury, and Richard Thomson, John Person, Rich. Haven, Thomas Newhall, jr., and John Collins, for the jury of trials.

Summons, dated, 6 : 9 : 1661, to Hugh Dickman for absence from public ordinances on the Lord's day, and to witnesses, Hugh Burt and Will Miriam. Hugh Dickman was found to be out of this jurisdiction, and Hugh Burt was dead, as per return made by Thomas Farrer,† constable of Lynn.

Venire, dated, 6 : 9 : 1661, for men for the grand jury from Marblehead, signed by Hillyard Veren,† cleric, and served by Will Nick,† constable, who returned the name of Christopher Latamore, for the grand jury, and John Leg, for constable.

Venire, dated, 6 : 9 : 1661, for men for the grand jury and jury of trials from Salem, signed by Hillyard Veren,† cleric, and served by John Rucket and Thomas Robins,† constables of Salem, who summoned the persons in their respective wards.

Writ: Mr. Edmond Batter v. Henry Trevitt; for withholding 4li. 13s. 4d.; dated, 19 : 9 : 1661; signed by Hillyard Veren,† for the court; and served by William Neck,† constable of Marblehead.

Bond\* of Willm. Hudson† of Boston, vintner, and John Hathorne† of Lyn, to stand by the arbitration of Mr. Edmond Batter of Salem and Mr. Olliver Purchase of Lynn Iron works, and in case they do not agree, to stand by the arbitration of any one of them concurring with the judgment of Major General Dennison of Ipswich. The place of meeting was to be at John Hathorne's at Lynn on June 18, next, and the decision was to be given to

\*This paper belongs in the case of Hathorne v. Eldridge, page 283.

†Autograph.

At a court held by Major Hathorne at Salem, 20 : 10 : 1661, the following presentments were heard :—

The wife of Allexander Megilligan, for her wicked carriage and speeches toward her husband, was admonished, upon her confession. Wit: Will Nick and Emanuell Clarke.\*

Elizabeth Nicholson, for absenting herself from the public ordinances on Lord's days, was fined.†

Hudson or Hathorne before June 22. Wit: John Dudley‡ and Samuella Benett.‡

\*Summons, dated, 6 : 9 : 1661, to Frances, wife of Allexander Megiligan.

†Summons, dated, 6 : 9 : 1661, to witnesses, Henry Stacy and his wife.

Inventory of the estate of Willm. Oaderie, deceased, taken the last of December, 1660, by Walter Price‡ and Elias Mason :‡ A cloake and sute, 4li. 15s. ; 1 snugg Coate, 1li. 10s. ; 1 sarge sute, 1li. 10s. ; 1 gray Coat, 12s. 6d. ; 1 Red sute, 11s. ; 2 ginting shurtts, at 9s., 18s. ; 2 locrum shurts, at 6s. 6d. per, 13s. ; 2 ould shurts, 3s. 6d. ; 1 canvas Jackett & locrum drawers, 7s. 6d. ; 2 pr. ould wosted stokins, 3s. per, 6s. ; 1 pr. wedmoll stokins, 16d., 1s. 4d. ; 2 pr. of ould wosted stokins, 3s. ; 1 pr. yaron stokins, 3s. ; 1 course gray coate and canvas breeches, 14s. ; 1 greene cotten sute, 8s. ; 1 blak hatt, 10s., 1 coll. hate, 5s., 15s. ; 1 mountere Cap, 5s. ; 1 neockloth, 12d., a silk neckcloth, 4s., 5s. ; 1 pr. shews, 3s. 4d. ; 2 pr. ould shews, 4s. 6d. ; 1 psalme book & an Incorne & bible, 7s. ; a bedsack & Rugg, 5s. 6d. ; 2 pr. mittins, 1s. 6d. ; 2 ould lynes wth. Hooks & leads & reels, 5s. ; 3 codd lynes, 8s. ; 4 Fishing leads, 12d. per, 4s. ; 8 Hooks at 12d., 1s. ; 1 pr. boots, 14s., 1 od boot, 6s., 1li. ; a Chest, 4s., a glas, 12d., 5s. ; 1 pr. wosted gloves, 2s. 6d. ; his pt. of 15 hundred of fish, about, 30s., 1li. 10s. ; a quart. pt. of a Cach, 15li. ; dew from Robert Starr, 1s. 6d. ; dew to him from John Gurvand, 6s. 1d. ; dew from Richard Ellyott, 8li. 12s. 2d. ; 2 barells makrell, 2li. 10s. ; his pt. of three frawghts, his victualls to be deducted, 7s. ; total, 41li. 5s. 11d. Sworn in court, 12 : 10 : 1661, by Mr. George Corwin and Mr. Edmond Batters.

Execution, dated, July 25, 1661, against William Longly and Joane, his wife, according to judgment granted to Mr. John Hathorn at Salem court, June 25, 1661, signed by Hillyard Veren,‡ cleric, and returned by Samuella Archard,‡ marshal of Salem, who satisfied execution by attachment of eleven sheep, two calves and sixteen pounds of cotton wool.

Execution, dated, 13 : 10 : 1661, against Steeven Kent, according to judgment granted to Robert Hazelton, at Salem court, 12 : 10 : 1661, signed by Hillyard Veren,‡ cleric, and returned by Robert

‡Autograph.



There being a complaint made of several persons appearing in arms at Marblehead, going up and down in several parts of the town and shooting off their guns, with a drum beating before them, the town not knowing what was the matter, and several of the persons, by virtue of a warrant, appearing before Major Hathorne for examination, they confessed that they did so, but they did not think it would be offensive or contrary to law and had no evil intention. They were fined as follows: Richd. Hale, 10s.; Samll. Gatchell, 5s.; Jonathan Gatchell, 5s.; and Christopher Nicholson, 5s.

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Lord,\* marshal of Ipsweg, deputy of Samuell Archarde,\* marshal of Salem.

Mr. Baker's bill of cost, sending to Hampton, etc., 17s. 7d.

John Parmenter's bill of charges, searching for Wellam Smeth, etc., 30s.

John Godfry's bill of cost, going to Salsbury and Newbury, etc., 1li. 17s. 8d.

" Ipswich September 25<sup>th</sup> 1661

"for diat and other expences at my house 7<sup>u</sup> 13<sup>s</sup> 0 and to that 1<sup>u</sup> 16<sup>s</sup> 6<sup>d</sup> for Griffins fine you were plesed to a low to the widow 1<sup>u</sup> 16<sup>s</sup> 6<sup>d</sup> and for the damag of not being at Cort I desir your Worships to make it up in all twelfe pounds

" John Baker."\*

John Andrewes bill of cost, going to Hampton, etc., 1li. 8s.

Abraham Purekins' bill of cost against Cristofur Millton in an action commenced against Abraham Purekins for selling a parcel of goods and not giving him an account of them; for going to Haverhill, Andever, etc., and witness from Rowley and Haverhill, 1li. 8d.

Vital records [of Andover?]:—

John and Steven, twin sons of Henry and Mary Engolls, born May 21, 1661.

Liddia, daughter of John and Mary Osgood, born Aug. 12, 1661.

Ruth, daughter of Joseph and Mary Parker, born June 2, 1661.

William, son of Willi. and Mary Chandler, born Jan. 31, 1661.

Sara, daughter of Balfe and Elizabeth Farnum, born Jan. 14, 1661.

Vital records [of Ipswich?]:—

Frances Jordan and Jane Willson married 6: 9: 1635.

Sarah Jordan born 8: 9: 1636.

Hanah Jordan born Mar. 14, 163—.

Mary Jordan born Apr. 7, 163—.

Mary Jordan died Aug., 16—.

Mary Jordan born May 16, 1641.

\*Autograph.

John Porter, the younger, for profane swearing, was fined by the commissioners of Salem.

The foregoing fines were to be entered in the account to the treasurer, at the June court, 1662.

Lydia Jordan born Feb. 14, 1643.

Deborah Jordan born Dec. 4, 164—.

Georg Farough and An Whitmore married 16 : 11 : 1643.

Mary Farough born Jan. 6, 1644.

Martha Farough born Feb. 25, 164—.

Febye Farough born May 7, 165—.

Thomas Stace and Susana Wooster married 4 : 8 : 1653.

Thomas Stace born July 6, 1654.

William Stace born Apr. 21, 1656.

Rebeckah Stace born Dec. 7, 1657.

Elizabeth Stace born Apr. 16, 1659.

Joseph Stace [born?] June 27, 1660.

Mary Stace born Nov. 7, 1661.

Tho. Harris and Martha Lake married Nov. 15, 1647.

Thomas Harris born Aug. 8, 1648.

Martha Harris born Jan. 8, 1650.

John Harris born Jan. 7, 1652.

Elizabeth Harris born Feb. 8, 1654.

Margrett Harris born Aug. 6, 1657.

Mary Harris born last of Jan., 1659.

William Harris born Dec. 12, 1664.

John Brewer and Mary Whitmore married 23 : 8 : 1647.

Mary Brewer born Sept. 23, 1648.

John Brewer born Oct. 6, 1653.

Sara Brewer born Mar. 27, 1655.

Mary, daughter of Tho. Tredwell, born Sept. 29, 1636.

Nathaniell, son of Tho. Tredwell, born 13 : 12 : 1638.

Hes—, child of Tho. Tredwell, born Mar. 21, 1640.

Matha, daughter of Tho. Tredwell, born Mar. 16, 1643.

Births and deaths in Topsfeild in 1661, returned by John Redington,\* clerk :—

Sara, daughter of John and Sara Cumings, born Jan. 28.

Benjamin, son to Abraham and Margret Redington, born Apr. 19.

Ebenezer, son to Fraunces and Ane Bates, born Jan. 20.

A son to Isack and Mary Cumings, born and died, Nov. 2.

John, son to Thomas and Elen Dorman, died Jan. 16.

Calthorn, daughter to Jacob and Calthorn Towne, Feb. 25.

\*Autograph.

## COURT HELD AT IPSWICH, Mar. 25, 1662.

Judges: Mr. Samuel Symons, Major Genrll. Denison and Majr. Will. Hathorne.

Grand jury: Tho Bishop, Tho. Clarke, Jer. Belcher, Andr. Hodges, Dan. Hovey, John Brewer, Will. Tittcombe, Lionell Worth, Hen. Jaquis, Rich. Swan, Will. Stickny, James Bayley, Andrew Allin and Will. Evans.

Jury of trials: Sergt. Tho. French, John Dane, John Perkins, Jacob Perkins, John Anabell, Will. Wyld, Hen. Hunt, Will. Ilslye, Tho. Thurrell, Ezek. Northend, William Tenny and Isaack Estick.

John Wild was sworn constable for Topsfield, Henry Jaquis for Newbury and Edward Lomas for Ipswich, for the ensuing year.

Obadiah Wood of Ipswich and Thomas Wood of Rowley were made free.

Christopher Palmer and Walter Roper, guardians to Joseph Palmer v. William Sawyer. Trespass. For detaining, making use of and refusing to deliver a parcel of salt marsh of twelve acres more or less, which was sometime William Palmer's and now of right belonging to Joseph Palmer, by the grant of John Sherman. Verdict for plaintiff, his title good.\*

Christ. Palmer and Walter Roper, guardians to Joseph Palmer v. Will. Ilslye. Trespass. For possessing, making use of and refusing to deliver a house and four acres of land, sometime William Palmer's and now of right belonging to Joseph Palmer, by the grant of John Sherman. Verdict for plaintiff, his title good.†

Christopher Palmer and Walter Roper, guardians to Joseph Palmer v. Tristram Coffin, constable, in behalf of the town of Newbury. For refusing to resign up and to lay out a parcel of land, meadow and upland granted by the town of Newbury to William Palmer and of right belonging to Joseph Palmer, by the grant of John Sherman. Verdict for plaintiff, his title good.‡

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\*Writ, dated, Feb. 28, 1661, signed by Robert Lord,§ for the court, and served by Robert Lord,§ marshal of Ipswich, by attachment of house and land of defendant.

†Writ, dated, Feb. 28, 1661, signed by Robert Lord,§ for the court, and served by Robert Lord,§ marshal, by attachment of house and land of defendant.

‡Writ, dated, Feb. 28, 1661, signed by Robert Lord,§ for the

§Autograph.

Andrew Hodges v. John Newman. Slander. Verdict for plaintiff. Defendant to make acknowledgment the next lecture day in the public meeting house or to be fined.

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court, and served by Robert Lord,\* marshal, by attachment of house and land of defendant.

Warrant, dated, Mar. 15, 1661, to Tristram Coffin, constable of Nubury, and signed by Robert Lord,\* for the court.

Joseph Palmer chose his brother, Christopher Palmer of Hampton and Walter Roper of Ipswich as guardians. Copy of Hampton court record, 8 : 8 : 1661, made by Thomas Bradbury,\* recorder.

Christopher Palmer,\* on Mar. 10, 1661, gave Walter Roper power of attorney to settle the case. Wit : Robert Lord.\*

In consideration of William Sawyer's resigning up into the town's hands four acres of land at the old town, which was formerly William Palmer's land, by Daniell Peirce's land, there were granted to said Sawyer four acres to be laid out with his eight acres of "divident land." Laid out to William Sawyer twelve acres of land in the great field of "divident land," beyond the Newtowne, bounded by Mr. Gerrish's land on the east, Gyles Cromlon's land on the west, the way on the north and the common on the south. Copy taken out of the town book by Anthony Somerby.\*

In consideration of William Sawyer's resigning up into the town's hands ten acres of marsh of the twelve acres which were formerly William Palmer's, by the ox common, there were granted to said Sawyer ten acres of that marsh called Jericho. The other two acres he reserved at the north end, bounded by a creek on the north and west and joined to William Ilsly's land on the east. Laid out to William Sawyer ten acres of marsh, at the marsh called Jericho, bounded by Benjamin Roafe's land on the north and David Wheeler's land on the east, and William —, Tristram Coffin's and Samuell Plumer's land on the south, and running on the west end of Samuell Plumer's land to a little creek, which runs into the great creek on the south west corner, and so running by a great pond on the west on a straight line to Benjamin Roafe's land. This land extended all the breadth of Samuell Plumer's land on the west end, half a rod below the old staddle. Copy taken out of the town book by Anthony Somerby.\*

Copy of several grants of land made by the town of Nubury to William Palmer, as recorded in the town book by Anthony Somerby : \* A house lot of four acres, bounded by Thomas Moulton on the north, James Rawlins on the south, the street on the west and the planting lots on the east ; twelve acres of salt marsh, bounded by Nathaniell Wier on the west, John Moulton and William Easton on the east, Thomas Cromwell on the north and a great creek on the south ; four acres of upland bounded by Rich. — ;

\*Autograph.

Obadiah Wood v. Richard Kimball. Trespass. For taking a heifer out of his yard and detaining her. Verdict for plaintiff.\*

and eight acres of "divident land" in the field about the new town.

Deed, dated, Oct. 6, 1647, Christopher Palmer,† in behalf of Ann Palmer, widow of William Palmer of Hampton, for eight pounds, sold to William Sawyer of Newbery, the house and house lot at the old town at Newbery, which belonged to said William Palmer, together with twelve acres of marsh adjoining William Elsly's, Samwell Plomer's and Samwell Scullerd's land, and four acres of upland adjoining the ox common and Richard Kent's land, now common, also seven acres of division land beyond the new town. Signed by Ann (her mark) Plomer. Wit: Richrd. Knight‡ and William Illy.†

"I Francis Plumer of Newbery do herby declar that I giue my Consent to the bargin My wife An Plomer haue made as in the other sid Expressed." Francis (his mark) Plumer. Wit: Richard Knight‡ and William Ilsey.†

Robert Lord,† aged fifty-eight years, deposed that he heard William Sawyer tell of the exchange of land, etc. Sworn in court.

Deed, dated, 10: 1: 1645, William (his mark) Palmer‡ of Hampton, yeoman, in consideration of a release of a parcel of land in Great Ormsbye, in old England, by his daughter Martha Palmer, now the wife of John Sherman of Watertown, in which his said daughter had an interest to the value of 105li., sold to the said John Sherman and Martha, his wife, his dwelling and house lot and all other land at Newberry, about twenty acres, also all his houses and land in Hampton, about one hundred and ten acres of upground, meadow and marsh, most of it already laid out, as mentioned in the town book of Hampton, with all commonage, etc., also "three coves, two yerlen steeres, Calfes & one sucking Calfe & all my houshold stuff my weareing Close only excepted." Wit: Timothie Dalton‡ and Willm. Howard.† Acknowledged, Mar. 12, 1645, before Samuel Symonds.†

\*Writ: Obadiah Wood v. Richard Kemball; trespass, for his grandchild, Robert Dutch, taking a heifer out of his yard, etc.; dated, Mar. 19, 1661; signed by Robert Lord,† for the court; and served by Robert Lord,† marshal.

Obadiah Wood's bill of charges, Mar. 26, 1662, 1li. 16s. 9d.

Martha, wife of Thomas Harris of Ipswich, deposed, on Mar. 25, 1662, that being at Robert Duch's house, and Goodman Kemball being there also, Goodwife Wood came in and was much troubled that the boy had taken away the heifer. Goodman Kemball said that he would uphold the boy in what he had done, and that Goodman Wood did no better than steal the heifer from among his cattle

†Autograph.

‡Seal.

John Fuller and John Hathorne, attorneys to the town of Linn  
v. William Longly. Review. Withdrawn.

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or off his common. Deponent replied that she thought the common belonged to Goodman Wood and others as well as to Goodman Kemball. Sworn before Samuel Symonds.\*

John Sparke, aged twenty-seven years, deposed that he went along with John Harde to Solsbery, where the heifer about which his brother Wood and Goodman Kemball were in controversy was kept, and he found it to have the same marks everyway as John Harde described before Deacon Pingry and himself, before he went to Solsbery. The marks were a little white spot on her side, brownish tail and legs, black horns, bending a little inward, and without any earmark, and he saw said Harde single out the heifer from all the rest of the cattle, etc. Sworn in court.

Nathaniell Lummas, aged about twenty-one years, deposed on Mar. 26, 1662, that this heifer lay three nights in his father's yard in the beginning of last winter after the snow was upon the ground, and that deponent, living with Deacon Pengree winter before last, knew well old Goodman Kemball's yearlings, etc. Sworn in court.

Moses Pengry and Lydia, his wife, deposed that the beginning of last winter plaintiff inquired of them for a black heifer, etc. Sworn in court.

Thomas Smith, aged about fifteen years, deposed that this heifer went with Goodman Kimball's cattle all summer, etc. Sworn in court.

Goodman Hart and Samuel Hart, his son, deposed that Obadiah Wood came to their house about November last to inquire for a heifer of a blackish brown color, and they told him that they had seen none lately, but two young cattle of Goodman Kimball's, a heifer and a steer, and also a cow and a calf of his. Said Wood told them, if they saw such a heifer to take her up, and demanding what earmark she had, his answer was that it was no matter whether she had one or not, etc. Sworn in court.

Edward Lummas, aged about fifty-eight years, deposed on Mar. 26, 1662, that Goodman Wood, the baker, came to him and asked if he had seen a heifer, and said "I will tell you how you may know her by this: if you Com neare And hold out your hand to her, the heffer will Com to you, for I used to give her "BisCake," which deponent did, and she came to him. When said Wood took the heifer, he told deponent that if anybody had a better claim, he would give her up, etc. Sworn in court.

James Sanders, aged about nineteen years, deposed that he was formerly the servant of Jacob Pirkins, and Goodman Wood put a calf to his master to summer, which was constantly in his sight,

\*Autograph.

John Hathorne v. Robert Lord, marshal. For illegal and unjust taking away of his horse in pretence of an execution. Withdrawn.

Henry Collins v. Robert Lord, marshal. For illegally levying an execution upon his person. Verdict for defendant.\*

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he bringing them up every night into the cow yard, etc. Sworn in court.

John Numarch, aged about sixteen years, deposed that being near neighbor to Jacob Pirkins, he often saw this heifer in the street near the gate by Jacob Perkins' house, etc. Sworn in court.

John Hardy, aged about sixteen years, deposed that he was a near neighbor to Jacob Perkins, etc. Sworn in court.

Thomas Kimball deposed that the heifer was wintered at his father Kimball's, and being there once or twice every week, he took good notice of the cattle. About the middle of May, this heifer and a steer were left on Egypt river plain, etc. Sworn in court.

Caleb Kimball and Robert Dutch deposed about the heifer, and the former declared that this heifer was at Henry Bennott's farm the summer before, and that Obadiah Wood told him that this heifer had a slit in the ear, etc. Sworn in court.

\*Writ, dated, Mar. 3, 1661-2, signed by Francis Johnson,† for the court, and served by Samuel Archer,† marshal.

Execution, dated, Oct. 14, 1661, to Henry Colling and John Hathorn, in behalf of the town of Lynn, to satisfy judgment granted to William Longlye at last Ipswich court, signed by Robert Lord,† cleric, and returned by Robert Lord,† marshal, who attached a horse of John Hathorne's, appraised at 15li., and delivered to William Longlye. Henry Collings of Lynn having no goods to attach, and refusing to go to prison, said Hathorne also declining to assist the marshal, the latter was not able to finish the levying of the execution.

Writ: William Longly v. Inhabitants of the town of Lyn; for withholding and not laying out forty acres of land, etc.; dated, Mar. 20, 1660-61; signed by William Cowdry, for the court; and served by Jonathan Hudson, constable, by attachment of Lynn's common. Copy made, Mar. 13, 1661, by Robert Lord,† cleric.

Robert Lord's† complaint: That going to Lyn to serve the execution upon Henry Collings, having read the execution and demanded goods to satisfy the same, but said Collings tendering none, he was forced to levy the execution upon his person, which having done, he required Sergt. Mansfield and John Hathorne, by the authority of the country, to assist him to bring him to prison. The said Hathorne not only refused, but rescued the prisoner,

†Autograph.

**Andrew Mansfield v. Edward Richards. Debt. Withdrawn.**

thrusting him toward the house, speaking mutinously, saying, "if I were as Goodman Collings if any man should lay hands on him to drag him to prison or draw him to prison he would trye wch was the best man," etc. John Hathorne also interrupted him in his office and said the marshal was a lying, prating fool and knave, and would prove him so, and when some one who heard it reproved him for so speaking to an officer, he said he would make it good.

Henry Collins testified that when Marshal Lord had levied his execution and asked assistance, he turned to deponent, who had no hat upon his head, and said that they had better go into the house because it was very cold weather. Whereupon John Hathorne said "lett vs goe in to the House & discourse of things there," and John Hathorne did not thrust deponent into the house, but was at a distance from him when this discourse occurred in the yard, until they turned to go into the house. Sworn in court.

Joseph Humfrey, aged about twenty-one years, deposed that he was at Mr. John Hathorne's house in Lynn when the marshal, Robert Lord, came with Goodman Longley to satisfy his execution, as he pretended. Mr. Hathorne told him he would go and show him the town's estate, but the marshal said he was bound to go no further than the door and went out and seized the horse, etc. Sworn, 25: 1: 1662, before Wm. Hathorne.\*

Robert Burges, aged about forty years, deposed that Collins said there were cattle in his yard, which they could seize, and a colt belonging to his son, but the marshal and Longly were not sure that they belonged to Collins and so levied the execution upon his body. Later, Longly told the marshal to take some horses and mares in the yard, but the latter said it was too late, because he had seized upon his body, etc. Sworn, Mar. 22, 1661-2, before Ed. Batter\* and Wm. Hathorne,\* commissioners.

Edward Ierson, aged about sixty-two years, deposed that Collins told the marshal that the debt was not his, and that he should go and take the common, and the marshal said if Collins paid it, the town should pay him back. Then Collins told him that he should have twenty acres of his own land about his house, or, he said, "here is the Towne Comon before my dore take that for your satisfaction," all of which the marshal refused.

John Collins, aged about thirty years, deposed that the marshal said it was a bad time to view land then, etc.

Jonathan Walkett also deposed.

Edward Ierson and Jno. Collins testified that Henry Collins tendered the marshal forty acres of land up in the country, formerly

\*Autograph.



John Godfry v. Job Tyler. For not giving security according to promise for an estate of his that was in defendant's hands. Verdict for plaintiff.\*

set out to him by the town of Lynn, or the land that he formerly attached, being a part of the town common "by or burieing place," and if he would go to the meeting house, he should have goods to satisfy the execution. Will. Longly said he could not compel the marshal to travel, and the marshal said he was not bound to go further than the house or yard of said Collins, etc.

Henry Collins and John Collins testified that the three men, appointed by the court to see this forty acres of land set out, said if they adjudge the land worth seven or eight pounds, they would have accepted it.

The foregoing five depositions were sworn to, 17: 1: 1661-2, before Mr. Batter and Wm. Hathorne.†

William Longley deposed that when the marshal came to levy the execution upon the house of John Hathorne, the latter brought the constable and attached the marshal's mare, and said Hathorne accused the marshal of lying backward and forward. The second time the marshal came to Lyn to Collins' house, he refused to go to see the forty acres because he understood it to be five or six miles away, etc. Hathorne refused to assist the marshal, saying, "I owne the authority of the country but you I will not owne, I will see better cloths upon your back first," and, when the marshal told him he was not such a fool as to serve the execution twice, said, "I hope I shall make a fool of you before I have done with you," etc. Andrew Mansfeild testified the same. They also testified that they were present when Robert Burges, constable, attached the marshal's mare, and also arrested the latter's person to fill the attachment. The marshal agreed to give his bond, but it was not accepted, and William Longlye said he would give his bond, but that was not accepted. Then John Hathorne said he must go to Boston prison, but if Andrew Mansfeild would give his bond, it would be accepted. The constable seemed to be willing that the mare should be returned, but upon words of said Hathorne, it was not done, and the marshal went his way, the mare being detained. Sworn in court.

\*Writ, dated Mar. 12, 1661-2, signed by Edmond Fawkner,† and served by Thomas Chandler,† constable of Andover, by attachment of house and land of defendant.

John Godfre's bill of charges, 2li. 18s. 4d.

Henry Ingalls, aged about thirty years, deposed that Goodman Tihlar came to his house on the tenth of the present month and desired him to go with him to John Godfre's to testify that he would satisfy him for all that he owed him to a farthing, etc.

†Autograph.

John Godfry v. Job Tyler. Review of a case tried at last Salem court. Verdict for defendant. The court did not accept the verdict.\*

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John Carr, aged about twenty-three years, deposed the same. Sworn in court.

Anthony Somerby, aged fifty-two years, testified that when Job Tilar made writings to John Godfry for the estate of John Godfry, which he had in his hands, he promised to give the said John Godfry further security for the said estate, and that the further security was to be a mortgage of said Tyler's house and land. Sworn in court.

Thomas Chandler, aged about thirty-five years, going to Job Tyler's with John Godfre, heard Tyler say that he could give no more security, etc. Sworn in court.

Andrew Allen testified that John Godfry was at work with him at deponent's house, etc. Sworn in court.

Moses Tyler also deposed. Sworn in court.

John Carr, aged twenty-three years, testified that he heard John Godfry say to Job Tyler that he would stand to his bonds, for they were sufficient to recover his pay. Sworn in court.

\*John Godfry v. Job. Tilar; review, concerning a receipt for twenty bushels of wheat, which said Tilar had paid to Robert Lord, sr., upon said Godfry's account, and which receipt Tyler refused to deliver, etc.; dated Dec. 17, 1661; signed by Richard Littlehale,† for the court; and served by Thomas Chandler,† constable of Andover.

Copy of Salem court records of 10 : 10 : 1661, concerning this action, and also copy of summons, dated 8 : 9 : 1661, and signed by Richard Littlehale, for the court, made by Hillyard Veren,† cleric.

Copies of depositions of George Abbot, Thomas Chandler and Anthony Somerby, taken from Salem court records, by Hillyard Veren,† cleric.

Edward Emmans deposed on Jan. 28, 1661, and Mary, his wife, deposed on Mar. 18, 1661, that John Godfry and Jobe Tilar were at their house last spring, and the latter acknowledged that he owed John Godfry a great deal upon several bonds and said that he must needs commend John Godfry for his fair dealing with him in delivering to him at Goodman Summarsbee's house at Nubearey a bond of fourteen pounds in wheat and rye last spring. At the same time, Tilar said that he had delivered twenty bushels of wheat to Robart Lord, sr., of Ipswich, and he engaged to pay five pounds to Mr. Cuerrell of Salam for John Godfry's use, etc. Deponents also said that Tilar brought them sixteen shillings worth of trade which Godfry had upon Tilar's account at Salam.

†Antograph.

John Godfry v. Job Tyler. For not paying five pounds to Mr. Corwin of Salem, according to promise, which was part of a bond that plaintiff delivered defendant at Anthony Sumerbye's. Verdict for defendant. The court did not accept the verdict.\*

Isaack Commings v. John Fuller. For taking out an execution and unjustly imprisoning him, in satisfaction of a judgment which said Commings had settled many years since. Verdict for defendant.\*

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Job Tilar also said that Godfry had helped him to corn when he could get none, etc. Sworn before Daniel Denison. †

Peter Godfry, aged about thirty years, deposed. Sworn in court.

Anthony Somerby, † aged fifty-two years, deposed. Sworn in court.

Moses Tillar, aged twenty years, and John Carr, aged twenty-three years, deposed that John Godfre desired Goodman Tillar to carry some wheat to Mr. Corell for the said Godfre, for if the latter should forfeit his bond with Mr. Dan, he would have to go to prison. So Goodman Tillar said that he would carry ten bushels and a half to Mr. Corill, and if that was not enough, he would put the rest upon his own account, provided he would credit him on the next bond that was due, etc. Sworn in court.

\*Writ, dated Feb. 12, 1661, signed by Edmond Fawkner, † for the court, and served by Thomas Chandler, † by attachment of three young cattle.

Job Tyler's bill of costs, 50s.

John Carr, aged about twenty-three years, Moses Tyler, aged about twenty years, and Mary Tyler deposed that there were three bonds due, the first to be paid Mar. 1, 1662, and the others the two years following. Sworn in court.

†Writ, dated Mar. 8, 1661, signed by Robert Lord, † for the court, and served by Robert Lord, † marshal of Ipswich.

Jno. Fuller's bill of cost, 1li. 8s. 3d.

Katerin Wakeline testified that when she lived with John Fuller, she saw Isaake Cummings, the younger, bring a parcel of corn upon a sled with oxen, and said Fuller received the corn and carried it into his chamber, tearing one sack and spilling corn as he carried it up the stairs. This was confessed by the defendant.

Issaack Coming, jr., testified that soon after John Fuller obtained a judgment against his father at Ipswich court upon his appeal from Mr. Symonds' judgment about damage by hogs, his father sent him with corn in sacks upon a sled to Fuller's house and he delivered it to said Fuller, the latter's Irish servant being in the house. Fuller declared that he was fully satisfied, and deponant never heard

†Autograph.

Ossmond Dutch v. John French. For keeping back some cloth and [spoiling.—*Waste Book.*] his coat and a suit of his son's. Verdict for plaintiff.

Robert Day v. Robert Burges. Trespass. For illegally attaching his mare, which he was forced to replevin, having no warrant against him. Verdict for defendant.\*

Mr. Samuell Symonds, gent. v. William Reiner. For illegally possessing and improving about twenty acres of land and detaining

any further demand made, until the marshal served the execution and put his father in prison, etc. Sworn in court.

Robert Lord, marshal, deposed that he heard Isacke Comins say that when he carried the corn to John Fuller, the snow was so deep that he went over the top of the fences with the sled. Sworn in court.

Samuell Aiers, aged about forty years, deposed that John Fuller served a warrant upon Isacke Comens for hire for a horse, and the latter said he would satisfy the debt and would not go to law. Comens had Indian corn with him, lacking one peck, which deponent loaned him to pay the horse hire. This was about the time that Goodman Comins was at suit before Mr. Simons about hogs. Sworn in court.

Theophilus Wilson and John Porter deposed that when John Fuller and Isack Comins, jr., met at Wilson's house, etc. Sworn in court.

\*Copy of Ipswich court record of Apr. 17, 1662, Robert Day's complaint concerning the bill of cost in Robert Burges' case. Copy made by Robert Lord, † cleric.

Robert Burges' bill of cost, for keeping the mare about fourteen days, 10s. 6d., for going to Marblehead for warrants, 3s., and for going to Ipswich, Lynn and Salem, etc.

John Fuller and Edward Richards deposed that they heard Robert Lord, marshal, say that the mare that was replevined out of the Lynn constable's hands, was in partnership between his father or father-in-law and himself. Also, that when John Hathorne said that he, the said marshal, several times at Lynn denied the mare to be his, the said marshal owned he did so declare. This was confessed by the marshal.

Robert Burges, aged about forty years, deposed that when he arrested the marshal of Ipswich upon the action of Jno. Hathorne, he also arrested a mare the marshal had with him. Then the marshal asked him if he had attached his mare or horse and deponent said "if it be yours I have attached it," whereupon the marshal said it was not his, etc. Sworn, Mar. 22, 1661-2, before Edmond Batter † and Wm. Hathorne, † commissioners.

† Autograph.

it from him, which land extended from the fence by said Reynour's toward Wennam town to the utmost extent of the bounds between Ipswich and Salem, beyond a little house late in the possession of Thomas Hobbs, which Thomas Fiske bought of the said Hobbs Verdict for defendant.\*

John Emery and wife Mary v. James Merrick. For detaining and keeping Issraell Webster, son of the said Mary Emery, without consent of John Emery and wife Mary, or any other person who had oversight of him. Withdrawn.

Daniell Clarke v. John How. For not returning a pair of oxen which he had of the said Daniell for half a day to fetch straw at William Hunter's, about the latter end of wheat harvest. Verdict for defendant.†

\*Writ, dated Mar. 17, 1661, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal, whom Theophilus Wilson,‡ constable of Ipswich, made his deputy, by attachment of house and land of defendant.

Copy of the grant by the town of Ipswich, Feb. 28, 1659, to Mr. Symonds, taken out of the town book, Feb. 29, 1659, by Robert Lord,‡ clerk: "Whereas the Comittee (desired by the Towne last mee—to consider and determyne what satisfaction should be allowed to m<sup>r</sup> Symonds upon his resigning of the Land betweene him and the maior Gen<sup>r</sup>) That he shall be sattisfied out of a psell of Land belonging to this Towne lyeing upon the bounds of Wennam neare Pleasant Pond to the value of Twentye pound att the least. Now if the Towne thinks the whole psell be about the same value; or that the overplus will be of no great benefitt to another man It is ppounded that he may haue it himselfe, w<sup>h</sup> will spare prising of it, and the charge of fenceing."

†Writ, dated Feb. 21, 1661, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal.

John How's bill of cost.

Evene Morris deposed concerning the pair of oxen called "stare & burnette," which his master Daniell Clarke lent to John Houe for half a day to carry straw from William Hunter's, about the latter end of wheat harvest. "When John Howe asked my master for the oxen he tould John Houe he could not posibly goe over the swampe, for we had serched the swamp in dry times & could not finde any place to goe over with Cattell in the yoke and the answer of John Houe was that he had found a place to goe over as firme as the grounde was we all three was at worke upon: which was ferme ground as is troden upon by men for it was a great hill my master Rplyed he wondered at it, for havinge ocation to Carte there he had

‡Autograph.

Robert Lord, marshal v. Abraham Drake and William Fifield. For illegally taking away a horse out of the custody of the law. Withdrawn.

Robert Lord, sr., attorney to Edmond Greenlief v. Nathaniell Boulter. For withholding two calves, two muskets and a bushel of Indian corn, taken by execution and appraised. Nonsuited.

as alsoe myselfe made diligente serch and could finde no safe goinge ouer eny where John Houe replied he had firme grounde to goe ouer where Thomas Andrese went with a lode or lodes of buttes, my master replied I strange y<sup>t</sup> it but if it be soe you shall haue the oxen, but I will not haue my Cattell to goe ouer | y<sup>t</sup> place | with a laden carte for I knowe it is unpossible by agremente betwixt John Houe and my master Clarke was to helpe John Howe that day he had the oxen in the afternoone aboute his strawe Caryinge for John Houes worke in the forenone, & that the Cattell might be out of the yoke before night although John Houe said it would be done in twoe houers yet we left worke betymes in the forenone & went to dinner, and then John Houe and I droue the oxen out of my masters yearde into John Houes worke and soe to Thomas Bakers, wher John Houe said he should haue more oxen but Thomas Baker was at plowe and would not breke ofe, and John Houe then sent me hombe with his arrende that when Thomas Baker left off at plowe then John Howe and Thomas Baker & Thomas dorman would goe them selues for the strawe, but when I had done the message my master bade me goe bake againe and tender your halfe dayes work & tell John Howe that I will not haue my Cattell in the yoke by night nether will I trust my Cattell with them, & unless you goe alonge withem that you may see ther usage and tell me and tell John Houe that I will not haue my Cattell goe ouer the swampe at all, which message I did to John Houe, and his answer to me was this then the more the meriere and soe we went Ephraim Dorman, John Houe & my selfe, and when we cum to the swampe I did refuse to goe in to the swampe for John Houe had noe other way to goe and then it was quitte night but Thomas Baker & John Houe although I stopped the bullocks droue them in wher we stode in the swampe three howers or ther about hainge & geinge when we could not see ech other nor abeast unlesse we did in a maner ether touch the beast or the partye Thomas Baker said that they should goe into the swampe, and when they ware in he many tymes vowed that they should drawe it out or els they should staye in till the morninge but at the last we all three unyoked the bullocks though contrary to masters order, and beinge very darke and the swampe thicke they could be sene no more," etc. Sworn in court.

William Hunters deposed that Daniell Clark said, at deponent's house, that he bid Even Moris see that the cattle were unyoked at Mr. Baker's field Sworn in court.

Robert Dutch v. Edward Harrenden. Debt. Withdrawn.

Mr. Samuell Bradstreet, attorney to Mr. Symon Bradstreet v. John Redington. Trespass. For possessing and holding a parcel of land in Topsfield. Verdict for plaintiff, the land in controversy.\*

Thomas Backer deposed that after the case had been debated in court, Danill Clark told him that deponent had killed his ox, to which deponent replied, "You haue tould me so diuars times but how did I kill him?" Clark said, "With a pichforek you ron into him." Sworn in court.

William Parckins deposed. Sworn in court.

John Wild deposed that being lost on a very dark night in the swamp, he saw How, Baker and Morris with the load of straw thrown down to get their oxen out, and that it was about three hours after dark when they got them out, etc. Sworn in court.

Thomas Baker, aged about twenty-five years, deposed that soon after the last wheat harvest, John How and Efen Moris came to his house with a pair of oxen and asked deponent to loan them a pair to help with a load of straw. Deponent told them that they could have them if they could find them, but they could not and said they would get one of Goodman Dorman's sons to help load the straw. Said Moris went home again, and deponent told Howe that about half an hour before sunset, he would help him, and as he was driving, Moris said that he should not meddle with his oxen and bade deponent give him the stick, etc. Deponent asked Danell Clarke why he sent Moris back again when John How had sent him home, and he said because he could trust nobody with his oxen, etc. Sworn in court.

\*Writ, dated, Feb. 27, 1661, signed by Daniel Denison,† for the court, and served by John Wiles,† constable of Topsfeild.

Samuell Bradstreete's bill of charges, 2li. 11s.

Granted at a general meeting, 7: 12: 1639, to Mr. William Paine, 260 acres, in consideration of resigning up 200 acres, which lay on the south side of the river, to be laid out by Goodman Dorman and the lot layers; and in case there be overplus in the place formerly viewed, adjoining to Mr. Symonds, Mr. Whittingham, Mr. Brodstreet and "my owne w<sup>ch</sup> I bought," he was to leave it between Mr. Brodstreet and himself and a way of six rod broad, to lead from Mr. Bradstreet's in common near Mr. Whittingham's farm. Copy from Ipswich town book, taken, Mar. 13, 1661, by Robert Lord,† clerk.

Granted, 20: 11: 1647, to William Paine, the other part of the said farm lying nearer the town by Mr. Whittingham's, bounded by the land of Mr. Symon Bradstreet and Mr. Whittingham's toward

†Autograph.

Richard Bellingham, Esq. v. John Pickard, guardian to Nehemiah Jewett. Trespass. [For withholding a dwelling house and a four acre lot.—*Waste Book.*] Verdict for defendant.\*

the south and southwest, Mr. Samuell Symonds on the northwest, a point coming to the four mile brook, having the land of Mr. Bradstreet on the east and of Mr. Rogers on the northeast, the whole farm containing 400 acres. Copy from Ipswich town book, taken, Mar. 13, 1661, by Robert Lord,† clerk.

Granted to Mr. Bradstreete, a narrow strip of land between him and Mr. Whittingham, to reach up to the place where Mr. Paine's and Mr. Whittingham's join, or the nearest place of joining. Copy from Ipswich old town book, taken, Mar. 31, 1660, by Robert Lord,† clerk.

John Wilds testified that John Reddington is the owner of the piece of land in controversy, and that he fenced it in and built upon it. Sworn in court.

Corporal Gage testified that when he laid out Mr. Payne's farm, which is now in possession of John Reddington, there was left out a long slip of land between it and Mr. Whittingham's farm at one end, butting on Mr. Bradstreet's farm about sixteen or eighteen rods broad, and so running up between Mr. Whittingham's farm and Mr. Payne's, from Mr. Bradstreet's farm to the dark swamp about half a mile in length. Sworn in court.

Ensign Howlet also deposed the same concerning this land in Topsfield. Sworn in court.

Thomas Dorman, sr., deposed that at a meeting at Goodman Lomkins, Mr. Bradstrat propounded for 200 acres of ground upon the hill before Mr. Parkinsis. The lot layers were asked how much common land there was and they said 300 acres, and there being so little, the town would not grant it. After this Mr. Bradstrat and Mr. Pain had some words, and the latter told Brodstrat that he had harmed him in that he could not come to the common. Mr. Brodstrat propounded for the slip of land, which was sixteen rods wide at one end and like a "share pind" at the other. The lot layers were called and told him that it would not help him to the common, yet with much importunancy, he had it granted to him. Sworn in court.

\*Writ: Richard Bellingham, Esq. v. John Pickard, guardian of Nehemiah Jewett, Samuel Plats, Henery Royolly, John Grant, John Tod, Thomas Leaver, Thomas Wood, William Law, John Pallmer, Marke Prime, James Barker, sr., John Dresser and Faith Smith, widow; for illegal entering into and unjustly withholding a dwelling house and a four acre lot, with the lands, arable ground, meadow, pasture, commons, and all buildings and fenceings, all in Rowley, which was formerly in possession of William Bellingham,

†Autograph.



deceased, and since in the possession of Richard Bellingham, his brother; dated Mar. 19, 1661-2; signed by Robert Lord,\* for the court; and served by John Tod,\* constable of Rowley, by attachment of the houses, lands and cattle of defendants.

Samuell Platts confessed in court, before Robert Lord,\* clerk, that he did possess a part of that land which was sometimes Mr. William Belingham's, late of Rowley, deceased.

Richard Longhorne, aged about forty-five years, deposed that Mr. Samuel Bellingham let to Mr. Richard Balley and himself all the farm which was Mr. William Bellingham's of Rowley, together with four oxen and one cow, for the term of two years, following the decease of said Bellingham, and put the tenants in hope of letting them one mare which the said Samuel hoped he should obtain of his father, master Richard Bellingham. But after earnest entreaty, Mr. Samuell could not obtain it. In this lease, liberty of the great chamber, house and cellar, if there were need, was excepted for the use of Mr. Richard Bellingham to dwell in if he saw cause to come, else all was let to deponent and Balley, and if Mr. Richard had any other liberty, it was upon the tenants' sufferance. Sworn in court.

Copy of will of William Bellingham, proved in Ipswich court, 24:7:1650, taken out of the book of records for the County of Essex, in folio 83, 1650, by James Chute.\* He ordered that "my debts be paide, as I haue formerly ordered, that is to say that John Smith haue the litle heifer at Merimacke; & the rest in Corne; for John Aslet, if it appeare upon reckoning that I doe owe him anything I will y<sup>t</sup> it be paid in Corne according to our agreement. for Hugh Smith that he be paid partly by the hire of his Cowe, & the rest in Corne according as we agreed, Michaell Hopkinson in beading & Corne. Richard Holmes for Merimacke Fence, is to be paid in Corne, for fencing the upper lott he is to be paid in Corne & beading. M<sup>r</sup> Broughton's father in law demandeth three pounds of me, but he must make it appeare to my executor before it be paid. For M<sup>r</sup> Rogers he hath my filly & her fole for Seuen pounds which I ought him, & nine pounds more which I owe him, he is to be paid out of my Cattle. Item I will that whatsoeuer is due to me from the Towne shalbe remitted, & is giuen by me Toward a Comon Stocke for the Towne. Item I doe freely giue to my seruant Jeremy Northende fowre pounds whatsoeuer other small debts doe really appeare to be due from me to any man, I will to be paide out of the rest of my goods, from whatsoeuer time my man Jerimy is to serue I will that he shall Serve that time wholly to m<sup>r</sup> Rogers, to whom I doe giue him ouer, & his Care, Item I doe giue to my loueing Freinde m<sup>r</sup> Thomas Nelson my Smallest byble which was my wiues, Item I doe giue to m<sup>r</sup> Rogers my Golde ring which was my wiues, Item I doe giue to Jeremy my man two Cloth Suites, a white one & a browne. Item I giue to

\*Autograph.

Marget Crosse my ould w<sup>t</sup> Cloth Coate. Item I giue Eliz: Jackson m<sup>r</sup> Rogers maide Twenty shillings. Item to william Hobson five shillings & as much to Hannah Grant. Item I will that after all my debts be paide the whole remainder of my goods, lands & whole estate be giuen, & I doe giue it to my loueing Nephew M<sup>r</sup> Samuell Bellingham, & this my last will & Testament I doe Con- firme with my owne hand & Seale." William Bell——. Wit: Ez. Rogers, "who writt this," and Tho. Nulson.

James Chute\* testified, Mar. 26, 1662, that there was a seal to the original will of Mr. William Bellingham, although those words "and a seale," were not expressed.

Richard Longhorne deposed that in the sixth year of their lease, Mr. Richard Bellingham and deponent discoursing together about a young gentleman, called, as he supposed, Samson Eaton, who was a kin to Mr. William Bellingham, now deceased, Mr. Richard seemed to be affected that the young gentleman was disappointed in the result of his coming over, the latter having expected to inherit a great portion of Mr. William's estate, which he might have done had he arrived before the decease of Mr. William. However, said Mr. Richard, "my brother gave it to my son Samuel." Sworn in court.

Richard Longhorn further deposed that on a certain time at Rowley, after Mr. Samuel Bellingham had been in England, Mr. Richard Bellingham being then at Rowley, and in company with John Boynton, sr., Mr. Richard called deponent to him and asked him to whom he paid his rent and he said he could not remember, but answered "your worship had a bushill of corn." Said Bellingham replied that he could not remember having any corn except in the way of exchange, giving English for Indian, his intention being to clear himself from the evil report of withholding his son's estate. Sworn in court.

John Boynton, sr., aged about forty-eight years, deposed that, hearing that Mr. Samuel Bellingham had reported at Boston that he could not get any account of Mr. Richard Bellingham, his father, nor of the rent of the stock thereon for the time Samuel was in England, and being sorry to hear such report, took occasion on account of his well-wishing to Mr. Richard Bellingham, to speak to him, etc. Sworn in court.

John Spofford, aged about fifty years, deposed that he hired the whole farm now in controversy of Mr. Sammuell Bellingham, for five years, and that he paid the rent yearly to Mr. Jewett, by order of Mr. Sammuell Bellingham. He further deposed that Mr. Richard Bellingham was not pleased with the sale of this farm by his son, Samuel, to Mr. Jewett, and that he told him he would have given ten pounds more for it. Sworn in court.

Richard Homes deposed that for work which he and Michaell Hobkinson did for Mr. William Bellingham, they were paid by Mr. Samuel Bellingham, part in a cow and the rest in team work. Sworn in court.

\* Autograph.

Symon Tuttle, attorney to his mother, Joana Tuttle, executrix to her late husband, John Tuttle v. Richard Shatswell. For non-payment of rent, according to covenant. Verdict for plaintiff.\*

\*Writ: Symon Tuttle, attorney to his mother, Joana Tuttle, executrix to her late husband, John Tuttle v. Richard Shatswell; for non-payment of rent due by covenant under his hand, bearing date Mar. 14, 1653-4, and for not delivering several particular goods in a note annexed; dated Mar. 19, 1651; signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich.

Symon Tuttle's bill of costs, for John Gage, Georg Giddings, Walter Roper and Philip Foulter, 2li. 12s.

Letter of attorney, dated Mar. 26, 1662, given by Richard Shatswell† for Samuel Hall. Wit: John Atkinson† and John Emmerry, sr.†

"My ant Tutels a count of worke and other things:" 2 daise the first sumer about the barne and fenses and other things, 4s.; for diging and bringing hom six lods of clay, 8s.; 2 daise in the swampe in the sommer time faling trees for the barne flower and house of Robert Smith and my selfe, 10s.; Robert Smith and the boy 1 day drawing timber out of the swamp, 8s.; 1 day of us all bringin hom timber with the teame, 10s.; halfe a day of goodman broocer and a day of my selfe, 4s.; and Robert Smith that day with the teame to draw out of the swamp is worth 8s.; myselfe and the teame halfe a day, —; a day feching over from the forther sid of the swamp of Roberd and myselfe and the teame, 8s.; halfe a day of Robert with his two catell to fetch over the swamp, 2s.; 1 day feching hom with 2 teames and 4 men, 16s.; my selfe a day and halfe and thomas the Scot and myself a day to fall crocut and rive posts, —; and 2 lods of postes feching hom, —; for mending the comon gate, 3s.; my selfe and the boy about thatching, 3s. 8d., and Mary Roper, 6d., 4s.; halfe a day of my selfe mending the barne dores, 1s.; paid for nailes at Mr. William Paines 300 at 8d. per hondered, 2s.; for nailes at Mr. Robert Paines, 5s.; for nailes at Mr. Jowits the last yeare, 200 at 12d. per hondred, 2s.; paid to Franses bats for clabords and palles, 12s. 3d.; for keping the broune steare the first spring, 5s.; for wintring of him the next winter, —; paid to goodman Roper for groundseling the house and other worcke, 2li.; paid to the sawyers for sawing of timber for the barne flower, 1li. 2s.; paid to Mr. Cogswell 40 bushils of indian corne according to Mr. Jowits order, 6li.; paid to danill Poare of andiver 20 bushils of indian corne upon the reset of Mr. Jowits bill mad to goodman lord or his asines dated the 24: 1m. 1655 or 56, 3li.; paid to henry Rally of Rowley 6 bushils indiane corne a cording to Mr. Jowits bill dated 27: 3m: 1656, 18s.;

†Autograph.

Richard Shattswell v. Robert Smith. For rent of a house, land, etc. Defendant acknowledged judgment of 21li., but there were

B. Smith about the orchard fense wth samewell barnom, 10s.; and 15s. he payd to goodman kingsbery towards ground silling the house, 15s.; one day drawing thatch and one day sarving the thatcher, 4s.; one day mending up the comon fense, 2s.; one day mending the orchard fense, 2s.; halfe a day mending the street sid fense and halfe a day about 5 rall fense, 2s.; payd to John Mase for thatching 1 day, 2s.; ther weare fore score bushils of indian corne mesyoured out and laid up for the rent by my selfe, 12li.; and a horse | the hors is tacken back if Siman exsept of another | that I sould to Mr. Jowit for part of pay for the rent, 14li. 10s.; total, 48li. 7s. —d.

Robert Smith, aged about thirty-three years, testified that the foregoing account was true and that the four score bushels of Indian corn laid out till it spoiled and that Shatswell told Mr. Jowit that the corn was ready for him or anybody who would receive it. The latter said he did not need it, but if he had wheat he might deliver it to John Litens. Shatswell sold Mr. Jowit a horse upon account of rent, etc. Sworn, Jan. 28, 1659, before Daniel Denison.\*

Robert Punell, aged about twenty years, deposed that he lived with his master Shatswell, when the latter dwelt at Mrs. Tuttle's house, and the work was done according to the foregoing account, etc., and the corn lay ready for Mr. Jewett in a porch chamber, etc. His memorandum of work done: Reparains of the house & fences, two days work the first summer about the Barne & —, digging & bringinge home six load of clay —, one day my selfe & Robt. Smith drawing Timber —, one day my mr., Robt Smith & my selfe drawing —, halfe a day of goodman Bewer & my mr. a day about — & Robt. Smith one day wth ye Teame drawing Timber, one day my mr. and my selfe wth. the Teame drawing Timber, one day fetchinge timbr wth. 4 men & two Teames, my mr. one day & halfe & Tho. the Scott one day to gett —, two load of poasts fetchinge home, mending the comon gate att sevall. times, my mr. my selfe & Mary Roper one day about thatching, halfe a day of my mr. mendinge the barne doore, Francis Bates for payles, Henry Riley & Jonathan Platts by my mr. —, my selfe one day drawing thatch & Robt. Smith one day thatch —, Robt. Smith one day mending the orchard fence, Mosse one day thatching to Goodman Harsell, one days worke. Sworn in court.

Robert Smith and Robert Punill deposed that at the time that Richard Shatchwell's lease from Mrs. Tuttell expired, when he left the house and lands, the orchards were fenced in by a sufficient fence and the sheep house was left upon the premises the same as when

\*Autograph.

some other things, such as about milk of cows, corn and wheat, further to be cleared.\*

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he went there. Also, the court yard fence was up, but some of it might be down to carry in timber, but the fence was left to be set up again to secure the court yard fence. The fence against the street and all other fences were left in good repair, etc. Sworn in court.

Theophylus Shatswell, aged forty-five years, deposed that sometime since he was at the making of an agreement between marchant Joseph Jowit of Rowly and deponent's kinsman, Richard Shatswell, for the price of a horse at 14li. 10s. etc. Sworn, 24: 4: 1659, before Tho. Bradbury,† commissioner.

Mary Parcker, aged about twenty years, deposed that her master Shatswell, when they lived in Mr. John Tuttell's house, reserved fifty-three bushels of Indian corn of Thomas Kimball and twenty-seven of Thomas Dorman, which said Shatswell laid up for the rent, etc. Sworn, 17: 4: 1659, before Natha. Duncan,† commissioner.

\*Agreement, dated Mar. 18, 1653-4, between Mrs. Joanna Tuttell and Richard Shatswell,† for her house and land at Ipswich, the said Joanna Tuttell being attorney to her husband, Mr. John Tuttell, now living in Ireland: That from the fourteenth day of the present month, said Shatswell should for two years enjoy the dwelling house, barns, orchard and outhouses of said Tuttell; also all her meadow, marsh and broken up ground within the common fence, paying to said Joanna at her now dwelling house in Ipswich, 24li. per year in corn, at each year's end; also two — and one cow, all of which should be in good condition at the expiration of the time etc. There were also two plow chains and a share and colter, two yokes and half a harrow of which said Shatswell was to have the use. Wit: Richard Martyn† and Thomas Bornum.†

John Gage, aged about fifty-eight years, deposed that Mr. Tuttell's house was groundselled after Satchwell's lease was out, and when deponent went out of the house, he left a good oven, but when he came again into the said farm, the oven was so spoiled that it could not be mended without pulling it down. There were two casements of glass in the cellar and two panes in the hall gone and broken, so they were obliged to get new ones, also that the barn was so ruined that he was obliged to buy three hundred feet of boards to mend the same before he could make use of it. The fences were down all about the orchard and yards. Deponent affirmed that the bill annexed to the lease was a true bill and all the tacklings were delivered to said Satchwell, excepting the plow collar. Sworn in court.

†Autograph.

†Autograph and seal.

Job Tyler v. John Godfry. Debt upon accounts and for damages. Verdict for plaintiff.\*

"A note of w<sup>t</sup> Cossen Shatsell hath Reed: of Goodman gagge," a grindstone & a Beadsteade, a Back for ye Chimney & one Iron barr in ye Chimney, a Share & Colter & a Boulte to a plow, 2 ax nayles, 2 linspins & washers, one old share 4 hoops for wheeles, 2 yokes & Chaines & a band for a plow beam, Span shackle & a boulte.

\*Writ, for not making up eight loads of hay according to contract, whereby three head of cattle were lost, dated Feb. 8, 1661, signed by Ed. Fawkner,† for the court, and served by Thomas Chandler,† constable of Andover.

Due to John Tyler from John Godfry: For washing, dress and diet a summer, 1li; breaking up ground, 5s.; delivered him in goods of Mr. Corwin upon my account, 15s. 3d.; a peece of huswives at my house, 16s.; bagg, butter, pork and venison, 9s.; a tray, 1s.; diet at severall times at 4s. per week, 2li. 5s.; charges at Court, 13s.; a yard and a half of kersy at 9s. 6d. per yd., 14s. 9d.; caridg of 10 bushel and halfe wheat to Salem, 7s.; caridg of 20 bushls. wheat to Ipswich, 10s.; caridg of 6 bushels corn to Salem, 4s.; my wife and Moses, witness, 5s.; for Moses waiting upon him, 2s.; a journey to Haverill, 3s.; paid Mr. Gidney for him, 1s.; total, —.

Richard Coy testified that when the account was read at Salem court, John Godfry owned that there were four pounds due Job Tiler. Sworn in court.

John Carr, aged about twenty-three years, testified that he saw Godfrey receive a peece of kersey cloth and he allowed 16s. for it, also for one month's diet this last summer, for which Godfrey said he would pay 16s. This was confessed in court by John Godfry.

Moses Tyler deposed that his mother dressed John Godfrey, and washed his clothes above twenty weeks in one year and that his father found Godfrey's diet for eleven weeks, which was never satisfied. Mary Tyler affirmed the same.

Thomas Chandler deposed that he heard Job Tyler say that he was to give Godfre 12s. a week and his diet for his work in hay time and harvest, and said he scorned to take pay for a man's diet who worked for him.

Nathan Parker deposed that he asked John Godfry to work for him, but he said he could not for Goodman Tiler had let him have cloth to make him a suit of his wife's spinning and he must work it out; also he had given said Godfry twenty shillings worth of cloth at Salem, and he must work that out. Sworn, Dec. 9, 1661, before Simon Bradstreete.†

Thomas Farnaum testified that he delivered, in April or May last, to John Godfare, a yard and a half of kersy for Job Tyler, at 9s. per yd. Sworn, Dec. 9, 1661, before Simon Bradstreete.†

†Autograph.

Job Tyler v. John Godfry. For refusing to deliver up a bond  
Withdrawn.

Zacheous Gould v. Tho. Putman. Trespass. Withdrawn.

Elizabeth Griffin, administratrix of the estate of Humphry  
Griffen v. Peeter Nash. Debt. For a cow he had and was to pay  
Mr. Russell at Charlstowne. Defendant acknowledged judgment.

Rich. Bellingham, Esq. v. Tho. Lever. Trespass. Withdrawn

Richard Bellingham, Esq. v. Samuel Platts. Trespass. Verdict  
for defendant. Appealed to next Court of Assistants. Mr. John  
Wissald bound for said Bellingham.

Rich. Bellingham, Esq. v. Henry Ryly. Trespass. Withdrawn.

Rich. Bellingham, Esq. v. Faith Smith, widow. Trespass. Wit h  
drawn.

Rich. Bellingham, Esq. v. William Law. Withdrawn.

Rich. Bellingham, Esq. v. John Grant. Withdrawn.

Rich. Bellingham, Esq. v. John Tod. Withdrawn.

Rich. Bellingham, Esq. v. John Palmer. Withdrawn.

Rich. Bellingham, Esq. v. Tho. Wood. Withdrawn.

Rich. Bellingham, Esq. v. Marke Prime. Withdrawn.

Rich. Bellingham, Esq. v. John Dressour. Withdrawn.

Rich. Bellingham, Esq. v. James Barker. Trespass. Withdrawn.

Joseph Armitage v. Mr. Oliver Purchase. Debt. Withdrawn.

John Carr v. John Godfry. Defamation or slander. For saying  
that Carr lay with the wife of John Russ upon the bed. Verdict  
for plaintiff.\*

Neklos — deposed.

\*Writ, dated Dec. 9, 1661, signed by Edmond Fawkner,† for the  
court, and served by Samuel Archard,† marshal of Salem. Bond  
of John (his mark) Godfery. Wit: Hillyard Verent† and Thomas  
Robins.†

John Carr's bill of cost, 5li. 4s. 6d.

Job Tyler, aged about forty years, Mary Tyler, aged about forty  
years, Moses Tyler, aged about twenty years, Mary Tyler, aged  
about eighteen years, and Hanna Tyler, aged between fourteen and  
fifteen years, deposed that they heard John Godfry say that John  
Carr lay with John Ruse's wife upon the bed and that he deserved  
to be hanged, etc. Sworn in court.

Thomas Johnson, aged about twenty-eight years, deposed that he  
told John Godfree that Carr would sue him for such words, and the  
latter replied that he did not care how soon, for he could prove it.  
Sworn in court.

†Autograph.

Nicolas Noyes and Hugh Marsh, in the name of the selectmen of Nubury v. Willm. Sawyer. For detaining and not resigning up ten acres of salt marsh. Withdrawn.

John Godfry v. Job Tyler. Debt. Being part of a bond. Verdict for defendant. Appealed to the next Court of Assistants.

Elizabeth Griffen v. John Gaynes. Action of dower. Verdict for plaintiff, her third part of the house and land which Mr. Robert Paine took by execution from her late husband, Humphry Griffen, of which John Gaines is now possessed.

John Millangton acknowledged judgment to Daniell Clarke of Topsfield.

Elizabeth Griffen, administratrix to the estate of her late husband, Humphry Griffin, acknowledged judgment to Mr. Richard Russell of Charlastowne.

John Goyte, dying intestate, the court granted administration to Mary Goyt, his widow, and Mr. William Steevens, her father. Inventory, amounting to 34li. 6s., was presented.

Isaack Waklye, Henry Muddle and John Pomary having been cast away at sea, and none appearing to desire administration of their estates, and William Browne, constable of Gloster, presenting papers of the estate of Henry Muddle, amounting to 14li. 16s. 10d., Isaack Wakely, 6li. 1s., and John Pomare, 4li. 11s. 11d., was given charge of the estates until further order.

James Mudg, Aniball Lane and William Homan, having been by God's providence cast away, and no wills appearing, the court granted administration upon their estates to Walter Sussex, a partner with them, and ordered him to bring in an inventory to the next Salem court.

John Lookeman, Nicolas Lookman, John Hart and Richard Holeman, having been cast away, and no wills appearing, the court granted administration upon their estates to Mr. George Corwin and Mr. Moses Maverick, and ordered them to bring in an inventory to the next Salem court.

Sifforye Cock, John Anard and Tobiah Beckes, having been cast away, and no wills appearing, the court granted administration upon their estates to Mr. Edward Ting and Mr. James Brading, and ordered them to bring in an inventory to the next Salem court.

Thomas Smith, dying intestate, this court granted administration to Mary Smith, relict of Thomas Smith, and ordered her to bring in an inventory to the next Salem court.



George Smith, dying intestate, this court granted administration to his mother, Mary Smith, and ordered her to bring in an inventory to the next Salem court.

Richard Elliott and John Garven, having been cast away, and no wills appearing, the court granted administration upon their estates to Mr. George Corwin, and ordered him to bring in an inventory to the next Salem court.

John Balch, dying intestate, this court granted administration to Mary Balch, the widow, and ordered her to bring in an inventory to the next Salem court.

John Dorman, dying intestate, this court granted administration to Mary Dorman, the widow, and the inventory\* was allowed.

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\*Inventory of the estate of John Dorman, deceased, appraised, Feb. 12, 1661, by Francis Pebody and Samuell Broeklebanke: One booke and Aperell, one cloake, 2li. 5s. 6d.; one jackit and briches, 2li.; one wascoate, 7s.; one dublit and a paire of briches, 1li. 1s.; three paire of stockings, 8s.; Gloves, 6s.; one Inkhorne, 4d.; one neckcloath, 8d.; one hate, 10s.; another wascoate jackit and two paire of briches, 1li. 15s.; one paire of boots, spurs and 2 paire of shooes, 1li. 1s.; in sheets, shirt and other linen, 2li. 15s.; 4 cushins, 12s.; 4 bands and 3 hankercheifers, 9s. 6d.; one bedstead and beding on it, 7li. 8s.; musket, sword and amunition, 1li. 15s.; puter and spounes, 12s. 6d.; one drinkeing and brase skellit, 4s.; in earthen and wooden dishes and trays, 6s. 4d.; in chest and boxe, 9s.; in one Iron pot and pothookes, 12s.; wheat, 3li.; one meall trough and one sith, 3s.; in flaxe and hempe, 16s.; in two swine, 2li. 13s.; in two cows, one stere calfe, 10li. 6s. 8d.; in Indian corne unthrashed, by estimation about therty bushell, 3li.; more in wheat unwinowed, about 4 bushell, 1li.; total, 46li. 1s.; in debts dew to the deceased from Thomas Baker, 4 bushels of wheat, 1li.; debt due from Peter Cowper as part of portion, 21li.; debt due by bond from Thomas Dorman, 50li.; debts to be paid out of the estate, 8li. 6s. 6d. "Be this knowne unto all men that Thomas Dorman of the towne of Topsfeild Hath and doth freely exprese himselfe that for a quiete and louseing Agreement betwene peter couper and him in differance about that estate that the said peter couper did expect that his daughter should haue bene estated in, he would Giue unto the said Mary dorman."

Inventory of the estate of Richard Browne of Newbury, who deceased Apr. 26, 1661, taken, June 5, 1661, by Richard Knight, † Anthony Somerby † and Steven Grenleff, † and proved in Ipswich court, Mar. 25, 1662, by Elizabeth Browne, the widow and executrix: Six and twenty acres of upland & meadow with house & barne and eight

†Autograph.

Mr. George Corwin, Mr. Walter Price, Mr. Moses Maverick, Mr. William Browne and Mr. Edmond Batter were licensed to sell strong waters, as formerly.

and twenty acres of upland and meadow and a house, 1-2 a barne & sixe and twenty acres of upland & meadow, 400li. ; a mare and a horse and two yeareling Colts, 46li. ; a yoak of oxen and six coves, 40li. ; thre yearling steere & a two yerling heifer, one yerling & 4 calves, 12li. ; three ewes, three weathers, 2 lambs, 4li. ; A sow, twelue shoots, three pigs, 9li. ; Corne upon the grownd, 16li. ; his weareing apparrell, 13li. 6s. In the Hall, a bedsted & a truckbedsted, with a fetherbed, a bolster, 4 feather pillowes, 2 blankets, a covered & a Ruge with curtaines, a vallons with a flockbed and bolster, a rug and blanket, 15li. ; two chests, a trunck, 2 boxes and a case of bottles, 3li. ; A Cubbard and Cubbard cloth, a table, a settle, a torne, 2 chayres, one stoole, 4 Cushions and a Cradle, 4li. ; two Carpets, 1li. 10s. ; A Bason and ewer, 4 silver spoones, a Cupp, a little basen, 6 chiny dishes & a warmeing pan, 3li. 10s. ; A paire of Holland sheets & 4 pillow bears, 2li. ; Nine sheets & 2 pillow bears, 2li. ; one diaper & 2 network cubbard cloths, 1li. ; one diaper table cloth & 2 diaper napkins, a Holland tablecloth & 16 napkins, 2li. 5s. ; A box, a desk, 2 little pillows & a basket, 10s. In the seller, 4 beare vessells, 6 trays & a bowle, a keeler, 5 chesefatts, a churne, a powdering tub & butter tub & a koowle & other lumber, 1li. 10s. In the kitchin, two brass potts, a great bras kettle, a little bras kettle, 4 brass pans, 2 brass candlesticks, 2 Skillets, 5li. ; A mortar and pessill, a chafing dish, a skimmer, a brass Ladle, 1li. 16s. ; An Iron pot, 2 tramells, a paire of Andirons, a pr. of tongs & fire shovells, a spitt, 2 pr. of pott hooks, 2 smoothing Irons, a flesh-hooke, a pr. of sheers & a pr. of Snuffers, frying pan & an Iron peelee & a pressing Iron & passell, 1li. ; two guns and a musket barrell, a sword & amunition & a watchbill & a chopping knife, a Clever & a shredding knife, 2 lamps, 3li. 6s. 8d. ; Eleven platters, 2 basins, 5 fruit dishes, 7 porringers, 4 sawcers, 2 salt sellers, a flaggon, 2 quart potts, 2 pint potts, a halfe pint pott, a cup & a beaker, a halfe pint bottle, 2 pewter chamberpots, 6 Alcumy spoones, 6li. ; Books & an houre glass, 1li. 10s. ; A little table & Cubbard & foormes, a pr. of bellowes & chayres & a cheespresse, a linnen wheele & a woollen wheele & other Lumber, 2 dozen of trenchers, 2 pr. of cards & 2 bucketts, 1li. 15s. ; A bedsted In the Chamber over the Hall with a fetherbed, a blanket, a covered and a Rug & boolster, a matt, 7li. ; 2 Chests, 2 boxes, 1li. 10s. ; A dozen of Hogsheds & 11 Smal tubs & baggs and sacks and 2 seives & lumber, 2li. ; four augers, 2 hedgbills, 2 crosscut saws, a handsaw, 5 hoes, an ads, a hamer, 2 axes, 2 hatchets, a spade and a shovell & other utensells for husbandry & some old Iron, 4li. In the kitchin Chamber, 9 bushels of wheat & about 15 bush. of Indian

John Sorlah had his lice nse renewed for a year to keep an ordinary and draw wine and liquors.

William Law had his license renewed to keep an ordinary and draw wine for a year, but not to sell liquors. Afterwards, upon request he had liberty to draw liquors by the quart until next Ipswich court.

Stephen Swett, John Baker and Moses Pengry had their licenses renewed to keep ordinaries and draw wine for a year, but not to sell strong water.

Administration having been formerly granted to Elizabeth Griffen on the estate of her late husband, Humphry Griffen, by the Honored Mr. Samuell Symonds and Major Genrll. Denison, the clerk being present, and now an inventory, amounting to 71li., clear estate, being presented to this court, the estate was ordered to be divided as follows: To John Griffen, the eldest son, 20li.; to the two younger sons, 10li. each; and the rest of the estate to the widow.

Will of William Addams proved and inventory received. William Addams, one of the administrators of the estate of his son, William Addams, being now deceased, Nathaniell Addams, one of his executors, by his own consent in the place of his father, deceased, acknowledged himself bound for the payment of the portions to the children of his brother, William Addams, jr.

Mr. Oliver Purchase and Thomas Marshall were sworn commissioners to end small causes in Linn for the ensuing year. [The other commissioner, Tho. Laghton, was not present.—*Waste Book.*]

Capt. Willm. Gerish, Nicolas Noyes and Mr. Edward Woodman were chosen to end small causes at Newbury, and the two former were sworn.

Ensign John Fuller, being chosen by the town of Lynn for clerk of the writs, was allowed, instead of William Longly.

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corne and a halfe bushell, 4li. 10s.; A hors harness, a sadle & a pillion, 1li. 15s.; A cart & dungpot and wheels, 2 ploughs, 2 yoaks & chayne & 1-2 & other small utensils, 3li.; two scithes, 2 rip-hookes, 2 Sickles, 4 prongs, 15s.; 6 stalls of Bees, 6li.; 5 wedges & a pr. of Beetle Rings, 10s.; wooll & yarne, 2li.; ten pounds of Cotten wooll, 10s.; two fitches of Bacon, 1li. 4s.; total, 634li. 3s. Debts due from the deceased: To Nathaniell Badger in England, 25li. 5s.; to Peter Tappan, 1li. 6s.; to Henry Jaques, 3li. 14s.; to John Badger, 1li. 10s.; total, 31li. 15s.

Whereas Robert Fletcher had formerly put himself to Jacob Greene of Charlestown to serve him certain years, and afterward, by consent of his said master, put himself to Obadiah Wood of Ipswich, and now making complaint that his master Jacob Greene took too much of his time, the court freed said Fletcher from both masters and ordered him to serve John Perkins for one year, the latter to find him clothes. Said Fletcher was not to make agreement with any man without his master's consent.

Mary Sheffield was ordered to be severely whipped for her sin of fornication.

Esaiiah Wood, being charged by Mary Sheffield to be the father of the child, was ordered to pay 3s. per week from the birth of the child toward its support, until the court take further order, and to lie in prison until he put in security for payment.\*

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\*Mercy Wood, wife of Isaiah Wood, deposed that about last Michallmas Goody Powell and her husband came to deponent's house and were very earnest that they might come and live in deponent's house that winter, especially herself, until her husband went to Exeter to provide a house there. The reason Goody Powell gave was that she and her father could not agree. Being so often urged, deponent asked counsel of her father Tomson, but he would not consent to it. Deponent desired the court to consider why, if her husband had offered so often to abuse Goody Powell, she should ask to go and live in the house with them and this in her husband Powell's absence.

Mary (her mark) Sheffield, upon examination declared that in February or March last Esay Wood enticed her into his barn in the night where he lay with her, etc. He refused to own the child, and told her that before he would abide the shame thereof, he would make way with himself, for his father and wife would never receive him again. She solemnly affirmed that said Wood was the father of the child.

Esiah Wood† declared upon examination, Jan. 18, 1661, that all Mary Sheffield's accusations were false.

Thomas Bishop, Simon Tompson and John Leigh were bound, Jan. 22, 1661, for Esay Wood's appearance at next Ipswich court. Acknowledged before Daniel Denison.†

Annis Reddings and Elin Dane deposed that they were at Goodman Powell's house, speaking with him and his wife at the time the trouble broke out, and the latter declared that they thought that Goodman Wode was clear and that John Lee was the guilty man, and that he had hired Mara Shafell to lay it to Goodman

†Autograph.

George Farough, upon examination, confessed that he had taken six hogs and shoats and converted them to his own use. Five of them were Lift. Samuell Appleton's and one was Sergt. Belcher's, and the court ordered that he pay 9li. 10s. to the former and 30s. to the latter. For his other offences of stealing, deceitfully removing a landmark and cruelty in drowning a mare, he was ordered to be severely whipped and disfranchised. Upon his petition and humiliation, however, the court took off his sentence of whipping, upon paying the sum of three pounds.

John Anaball was freed from ordinary training, paying 3s. yearly for the use of the company.

John Perking was licensed to still strong water for one year.

Andrew Peeters was licensed to still strong water for a year and retail not less than a gallon to be delivered at once and none to be drunk in his house.

John Whipple was licensed to still strong water for a year and retail not less than a quart at a time and none to be drunk in his house.

Mr. Woodcock of Salem, apothecary, was licensed to still strong water for a year and sell by retail.

Mr. Joseph Boude was licensed to still strong water at Marblehead until next Salem court.

These licenses were granted with the understanding that all who were licensed to still and retail strong water did not exceed the limits of their license nor sell by retail to any but masters of families of good repute, nor sell any after sunset, and that they be ready to give account of what liquors they sold by retail, the quantity, time, and to whom, when called upon by the court or

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Wood out of malice toward him. This Goodman Powell said he was willing to declare before the magistrate without a warrant.

Mary Powell, aged about twenty-three years, deposed, Feb. 24, 1661, that sometime since when gathering corn with Esay Wood, he was guilty of lascivious acts, but she went away from him. At this time his wife lay in of a son. At another time about three years since, deponent's mother sent her to help the said Wood husk corn, and on a moonlight evening he met her between his two houses, and was again guilty of lasciviousness, until somebody opened the door and the light shone out, also at another time when she went to his house to borrow bread, etc. Sworn before Daniel Denison.\*

\*Autograph.

any member of it, and the court had the right to call in their licenses sooner than a year, if they saw cause.

John Porter and his sureties were discharged of his bond.

Upon the complaint made by the marshal against John Hathorne, the latter moving for a jury, the court granted it. The jury returned a verdict of guilty and the court sentenced said Hathorne to pay a fine of 40s. for refusing to assist the marshal, 30s. of which was respitted until the next court.

William Aoe, having attached Lift. Samuell Appleton, Sergt. Tho. Clarke, Corpll. John Whipple, Robert Day and John Tod, and no action being entered, they were allowed costs.

Job Tyler, having attached John Godfry, and no action being entered, the court allowed said Godfry costs.

Zacheous Gould, having attached Mr. Jewett's executors, and no action being entered, costs were allowed.

Shoreborne Willson's bond of good behavior was continued until next court [some one objecting in court to his being released.—*Waste Book.*].

Symon Tompson and Abraham Fitt, sureties for Esaiiah Wood, were discharged of their bond, the said Wood appearing and now "in hould."

Mr. Symonds returned to the court a ten shilling fine set on John French and four costs to Anthony Daye as a witness.

John Pearse was fined 10s., which Mr. Symonds undertook to pay.

[John Perley, being convicted of stealing a mare from Thomas Poore and for telling many lies in the examination of the case, was sentenced to pay treble damages, which is 20li., besides the mare which he returned, also to be severely whipped. Court ordered him to be committed to prison until the Thursday after lecture and then to receive his punishment.—*Waste Book.*]

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Inventory of the estate of Willylam Harker, deceased, appraised, Dec. 26, 1661, by Thomas Marshall,\* Franceis (his mark) Ingolles and Henry Collins,\* and proved by Robert Ingalls in Ipswich court, Mar. 25, 1662, before Robert Lord,\* cleric: Howsing, upland and meadow, 60li.; one yoke of oxen and thre cows and fowr load of hay, 27li.; tow mars and on Coult, 36li.; thre yearling calfs, 3li. 16s.; six sheap, 3li. 2s.; thirten Swyn, 5li.; forty tow buchils of English and Indyan Corn, 7li. 3s. 6d.; The man and woman

\*Autograph.

## COURT HELD AT SALISBURY, Apr. 8, 1662.

Magistrate, Capt. Tho. Wiggin; Associates sworn, Cpt. Robert Pike and Mr. Tho. Bradbury.

wearing Aparell, 7li. 10s.; one fether bed, tow Rugs, tow pare of Blankits, 7li. 13s.; seven pillows, 1 pillow bear, one bolster, 2li. 15s.; fowr pare of sheets, 2li. 2s.; seven yards of — Cloth, three yards Cotton Cloth, 2li.; nyn yards —, six yards of serge, 4li. 12s.; Eight yards — alf of red Shag, 1li. 9s.; ten pound —en wooll, 10 pound of hony, 17s. 4d.; one ould —, 3li. 5s.; 2 brace — iron pott, and on —, 2li. 14s.; two Sp—, tongs and — 13s. 6d.; Twenty —, 17s.; one axe, — knife, 3s.; presing — Iron, 6s.; warming —, 3s.; one Croscut — ells, 1li. 3s.; thre Ches — and other —, 1li.; one Churn, one Erthen pot and other things, 5s. 6d.; six pound of wool, one Stak of bees, 1li. 6s.; one pannell, Cask and other lumber, 17s.; one brydell, one spad, one plow, 3s.

Presentments given in to Hampton court, Oct. 2, 1660, by William White,\* foreman, with the consent of the rest, and summons to the same, dated, 19: 12: 1660, signed by Tho. Bradbury,\* recorder, and served by Samuell Fogge,\* constable of Hampton.

Town of Haverhill, presented for the pound and stocks not being according to law, was discharged, if it appeared to the recorder of the court that within fourteen days the stocks had been repaired. Wit: William White and Richard Singltary.

Thomas Dowe was presented for unseemly speeches, including a lie. Two of the neighbors having lost a new pair of cart wheels supposed to be turned into the great river, Thomas Dowe was asked what he had done with the cart wheels, to which he replied with unseemly speeches, etc. Wit: Mihill Emerson and Robertt Emerson.

William Deale presented for misbehaving himself in unseemly expressions to two of his neighbors in calling them old rogue and old cheating rogue. Wit: James Davis, sr., and John Willia[m]s, sr.

Christover Goold presented for stealing a pair of breeches from James Philbrook. Wit: Thomas Maston and William Molton.

James Philbrooke presented for striking Cristover Goold in his boat.

James Bruse presented for excessive drinking. Wit: Anthony Taylor, John Cass and Cristover Palmer.

Wife of William Cole presented for unseemly speeches to Huldah Hussee, concerning the latter's father and mother Minygoe. Wit: Wife of Jaspas Blake and Allexander Denem.

James Coffin of Salisbury and Cristover Goold of Hampton presented for fighting, one with the other. Wit: Thomas Maston and William Molton.

\*Autograph.

Grand jury: Mr. Sam. Winsley, foreman, Isaac Buswell, Richard Wells, Willi. Osgood, Philip Challis, Henry Palmer, Tho. Eyer, Robert Drake, Jno. Samborn, Willi. Samborn, Jno. Cram, Humphrey Wilson and Isaac Pirkins.

Town of Exeter presented for not having a sufficient bridge over Exeter river, which is the country highway. Wit: Thomas King and Jonathan Thing.

Town of Exeter presented for not having a sufficient pound and stocks according to law.

John Redman deposed that the execution of fifty pounds was granted against Thomas Johnson and William Roberts for forfeiture of a bond that Roberts and Johnson were sureties on for Edward Colcord's appearance and for the satisfaction of Mr. Ruck's debt, etc.

Writ: Steven Jones v. Heneri Lamparill; debt of six or seven pounds for goods delivered him; dated 27: 7: 1660; signed by Samuell Dalton\* for the court; and served by Abraham Drake,\* marshal of Hampton.

Execution, dated Oct. 31, 1660, for Mr. Sam. Winsley, to satisfy judgment granted Tho. Barnett, signed by Tho. Bradbury,\* recorder, and served by Abraham Drake,\* marshal of Hampton.

Richard Littlehale deposed that he gave order to Edward Clark to pay John Godfry eight and a half bushels of wheat, which was due from Clark to deponent, also that John Godfry acknowledged divers times that said Clark had paid Hugh Sherratt in wheat upon Godfry's account, toward the execution which Sherratt had against said Godfry. Steven Kent mentioned as surety. Copy of Haverhill commissioners records made by Richard Littlehale,\* clerk. Sworn, Jan. 2, 1660, before the Haverhill commissioners.

Letter addressed "To hir Friend Goodman Curier of Sallbery giue these: "Brother Curier—I doe much maruell that you have not yet sent mee the bordes which is due to mee I am much damified by reson the haue not Come I upon your worde did promise and ingaged to some in boston and Charles Towne bordes wher I ame indeted and you falinge haue made mee to breake my worde which is very trobell — to mee wher as you were to have payd them the last maye the — puses upon your promise and then you send mee worde — should haue them at mihill tide yet you haue faled in — and see I haue broke my worde: you know that you had my ho — at tow pense a pound which if I had kpe them I should haue — them to beter account and bestes I prey you rember to send me — paye for James Gage and John rase[?] which you did under take to pay which is 1-18-8 beseds your one det I preye let mee her spedily from you or ellse you will constraene

\*Autograph.



Jury of trials : Daniell Ela, foreman, Jno. Halsey, Henry Browne, Willi. Sargent, Benjamin Kimball, Sam. Winsley, jr., Jno. Williams, jr., Willi. Fifeild, Henry Dowe, Joseph Shaw, Tho. Webster, and Jno. Foulsham, sr. Henry Magoon, dismissed. Peter Coffin in Cpt. Gerishes case. \*

mee to take som other Corse for my one which I am not willge to doe but if I doe not her from you I rest the bordes are to bee deliued at Charles towne to goodman Carington

Your Frind if you doo that

" watertown this 23 of the first mth 1660 Judeth whitney"\*  
Copy of will† of Joseph Peasly, proved in Salisbury Court, — : 2 : 1661, by Phillip —, made by Tho. Bradbury,\* recorder : " I Joseph Peasly is that my debts — y\* remainer of my estate w<sup>m</sup> is — doe giue & do bequeathe the one — g hir life & I do giue to my da — ands that I haue att Salisbury — my sone all my land that I ha — rhill & do also giue unto Joseph — in y\* East meadow at Haverhill — ne all my right in y\* oxes pa — unto Joseph my sone fiue of the — ong into the playne; I do giue unto — my forty fower acres of upland lying we — & doe giue unto Sarah Saier my grand Childe my — d & meadow lying at Spickett River, And I doe giue unto — sonne Joseph all y\* Remynder of my land att Have — which is not here disposed off, this is my last will and — my right minde & memorie wittness my — November 1660. Josef peale." Wit : — Challis, — rnard and — urrier.

Venire, dated 19 : 12 : 1660, for trial jurymen from Hampton, signed by Thomas Bradbury,\* recorder, and served by Sam. Fog,\* constable of Hampton, who returned the names of Mr. Ant. Stanyan, Rob. Page, Tho. Ward, Gilles Fuller and Henery Moulton for the grand jury, and Tho. Marston, Abr. Hilton [?], Tho. Lovitt and John Swaine for the jury of trials.

Writ : John Godfry v. Richard Ormsbee ; unjust molestation, in commencing an action of accounts against said Godfry at last Hampton court and not prosecuting ; dated, 2 : 9 : 1661 ; signed by Richard Littlehale,\* for the court ; and served by Joseph , constable of Salisbury.

Writ : Abraham Drake, assignee of Robert Drake v. John Cass ; trespass ; for carrying away a load of hay from off the fourteenth share of the ox-common marsh and for claiming the title thereof for himself ; dated 1 : 2 : 1661 ; signed by Samuell Dalton,\* for the court ; and served by Abraham Drake,\* constable of Hampton.

Edward Coloord of Hampton, on 10 : 11 : 1652, sold to Robert Drake of Hampton, two shares of commonage, viz., one share of

\*Autograph.

†This paper is badly torn.

Jno. Stevens v. Henry Green. Action of appeal from the commissioners of Hampton, concerning taking away defendant's bolts from off the land of Isaac Pirkins in Hampton bounds. Verdict for plaintiff, the judgment reversed.

Cpt. Willi. Gerish, planter v. Willia. Deale. For detaining his mare colt after legal demand. Verdict for defendant. Appealed to next Court of Assistants. Mr. Halls bound for said Gerish's appearance.

Jonathan Singletary, assignee of Jno. Godfrey v. Edw. Clark.

the ox common which he bought of Samuell Greenfeld and one share of the cow common which he had of the town "as from Thomas Jones the deed acknowledg before a magistrate." Copy from the town book of Hampton, attested by Samuell Dalton,\* clerk.

The share of the ox common appointed to Samuell Greenfeld by lot and the salt marsh belonging to it, was in number fourteen as appeared by the town book of Hampton. Attested by Samuell Dalton,\* clerk.

Deed, dated 27 : 3 : 1649, Samewell (his mark) Grenfeld, late of Ezseter, sold to Edward Colcord of Hamton, all his upland, marsh, meadow and commonage granted to him by or due to him from the town of Hamton, except that part which said Grenfeld had sold to Thomas Joones or Benjeman Wiss. Wit: Robert Tuck\* and Edward Tucke.\* Acknowledged by Robert Tuck at Salisbury court, 11 : 2 : 1661, before Tho. Bradbury,\* recorder.

Moses Gillman deposed that he had seen John Follsum measure out boards, which came from Capt. Clark's mill, and deliver them to several people. Sworn in Salisbury court, 11 : 2 : 1661, before Tho. Bradbury,\* recorder.

John Robasun and Humfre Willson testified that last summer John Folsun delivered several parcels of boards to several vessels, and that the boards came from Capt. Clark's and Mr. Brodstrete's mill. Sworn in Salisbury court, 9 : 2 : 1661, before Tho. Bradbury,\* recorder.

Execution, dated 8 : 8 : 1661, to Richard Ormsby, to satisfy judgment granted to John Godfrey, signed by Tho. Bradbury,\* for the court, and served by John Severanc,\* deputy marshal of Hampton.

Execution, dated 9 : 3 : 1661, to Leift. Robert Pike, Mr. Tho. Bradbury, Edward French, Isaac Buswell and Andrew Greeley, in behalf of the town of Salisbury, to satisfy judgment granted to Mr. Sam. Hal—, signed by Tho. Bradbury,\* for the court, and served by Abraham Drake,\* marshal of Hampton.

\*Autograph.

Debt. For non-payment of twenty-one bushels, one peck and a half of wheat and seventeen bushels and three pecks of Indian corn.

Robert Swan v. Robert Clement. For laying claim to and making use of one acre and a half of meadow, situate in Haverhill, which plaintiff bought of Isaac Cozens, and for molesting and hindering him from getting it recorded, according to the town order. Verdict for plaintiff.

John Godfrey acknowledged judgment to Tho. Bradbury, which was satisfied, May 26, 1662, for an attachment served upon his land in Salisbury.

Bartholemew Heath's license was renewed.

Mr. Sam. Hall, agent or attorney to Mr. Hooke v. Joseph Fletcher. Breach of covenant about a barn which he hired of said Hall, in not making up the fences and securing the corn. Verdict for defendant. Appealed to Court of Assistants. Bond of Sam. Hall.

Nathaniell Singletary was dismissed from all trainings, being disabled by lameness.

Jno. Severans, husband of "hir y<sup>t</sup> was somtimes y<sup>e</sup> wyfe of henry ambross," and now administrator to the estate of said Ambross, deceased v. Ed. Colcord. Trespass. For alienating a parcel of upland that was formerly granted to Henry Ambros in Hampton, in the north field, by mortgaging the same to Christopher Palmer. Withdrawn.

Willi. Osgood, in behalf of the new town of Salisbury v. Nat. Winsley. Trespass. For felling timber upon their common and making it into staves and bolts, carrying it away and converting it to his own use. Withdrawn.

Rich. Ormsby v. John Godfrey. Debt. Due upon breach of a bond of arbitration. Withdrawn. Court remitted the entry, except the clerk's fees.

Mr. Symond Bradstreet v. Jno. Fulsham. For withholding a debt of nine pounds due for an ox and corn he bought of plaintiff and for some years' forbearance. Withdrawn.

Jno. Severance's license to keep the ordinary was renewed.

Jno. Maxfeild v. Joseph Pike and Jno. Cullu. Battery. For coming upon him suddenly in bed and laying many stripes on his body, to his great damage in body and name. Defendant desired

Goodman Satchwell to speak for him in his case and the court granted him liberty to do so.\*

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\*Writ: John Maxfeild v. John Callu (also Mackallum) and Joseph Pike; dated 2: —: 1662; signed by Tho. Bradbury,† for the court; and served by John Huchins,† constable of Haverhill.

John (his mark) Maxfeld, on 8: 2: 1662, appointed his loving friend John Severance, his attorney. Wit: Wilm. (his mark) Houldeg and Steven Flanders.†

On the reverse of the foregoing paper: "first y<sup>t</sup> he had itt for a smale matter. 2<sup>nd</sup> y<sup>t</sup> he neuer had a poseshon of itt. 3<sup>dly</sup> he neuer layd claim to it whilst goodman Ambros was aliuie."

Will. Houldredg deposed that upon Wednesday morning, The. Shatswell said that they looked for their charges for he did not own any agreement between Maxfeld and the other two men, and he also said that he should hardly have come down had it not been to have tried that case. Sworn in Salisbury court, 11: 2: 1662, before Tho. Bradbury,† recorder.

Steeven Webster deposed that, being in company with Joseph Pike at his house, which was near the house deponent lodged in, he asked said Pike to call him betimes in the morning because he was to go to Rowly. Pike replied that if he did call him, he would whip him up. "I saide if he did I would forgive him in the morninge he Came & Caled me but it being fowle wether I lay still & John Maxfeild unknowing to me (when I spake wth Joseph Pike) Came to bed wth me about 10 or 11 of the Clock at night | as I judge | & soe he was in bed wth me in the morninge & I tould him that If wee did not rise Joseph Pike had promised to Call me up & he would whip us up John Maxfeild saide he cared not If he did Com he would not medle with him because he was a stranger & | when he Cam up | afterward I asked the sd maxfeild If he weare offended at what had passed he saide noe it was a Jest & soe it ended wth him & took noe offenc at it & did pas it by." Sworn in Salisbury court, 8: 2: 1662, before Tho. Bradbury,† recorder.

John Severance deposed that Lt. John Pike came to him and told him that he understood that John Maxfeild had left the business about the young men in question to this deponent, and John Pike and John Severance entered upon the discourse, but at that time did not agree because John Severance was called away and before they could come together again, they had taken John Maxfeild aside and said they had made a composition but he did not hear said Maxfeild own it at that time. Sworn at Salisbury court, 11: 2: 1662, before Tho. Bradbury,† recorder.

†Autograph.

Sam. Dalton was appointed administrator of the estate of Tymothie Dalton, jr., sometimes of Hampton, deceased, and was ordered to bring in an inventory at the next Hampton court.

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It was the mind of the court that the case be prosecuted in the first place against Mackellam as defendant. Attest, Tho. Bradbury,\* recorder.

Robert Swan, aged thirty-six years, deposed, Apr. 8, 1661, that he was present when the agreement was made concerning the action of Maxfeild against Mackallum and Pike. The terms of agreement were that the two latter should acknowledge themselves faulty and pay all his charges, and give a gallon of wine to be drunk by the company that attended the business of this agreement, part that night, and the rest in the morning, and then to be friends as formerly. One quart of wine was produced and delivered by John Pike to said Maxfield, who accepted it and drank part of it and they all drank the wine in a friendly manner. Pike engaged to pay the charges of the said Maxfield. John Pike testified to the same, and also that he had power from the others to make the agreement. Sworn in court, 10: 2: 1662, before Tho. Bradbury,\* recorder.

Sammuell Winsley, jr., and Theophilus Satchwell deposed.

Thomas Fowler, aged about twenty-six years, deposed that he went up to Haverhill and had occasion to go to the house where Steven Webster lived and there was John Macallum and he asked him about the whipping of John Maxfeild. Macallum told him that they whipped said Maxfeild, and Joseph Pike also told him the same. Makullum would have deponent carry down a note to John Makfeld, the substance of which was to come up to see his work done, that is, to see Steven Webster whipped, because they said he had given them some liquor to whip said Webster. The man of the house told them that if they sent that note, he needed no further witness against them, so they both desired deponent to let them have the note again to add two or three words. When they had it, they would not give it to deponent again. Further, John Macullum asked him "if they had no work for John Makfeld for your Salisbury men & i tould him yes ther was work a nough for him to doe & not cum thether to be whipt then the man of the House toke him up & Sayd i am ashamed that you should disgrase the towne so much y<sup>t</sup> if a Stranger cum hether we cannot afford him a meals meat or a nites lodging but he must be abused." Sworn in court.

Jonathan Singletarey, aged about twenty-two years, deposed that in going to Goodman Severance's in the morning, he met with Lt. Picke of Newbery and John Maxfield at the stile or yard. Lt. Picke said he had come to fulfill his agreement about the wine and

\*Autograph.

John Hussey and Eliakim Wardall were fined, each according to law, 6li. 10s. for twenty-six times absence from public ordinance on the Lord's days.

Jno. Swayne was convicted for absence from the public ordinances.

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when he had gone deponent asked said Maxfield how it was that he had entered his action and had now agreed. Maxfeild scratched his head and said "aye thay made lightt of termes of agrement as I cam from y<sup>e</sup> new town w<sup>t</sup> them butt last night Leftt: Joh Pick com & sought to me in y<sup>e</sup> blads behalf & pswaded me to condensend to him," etc. Maxfeild further said that he had committed his case to his landlord Severance. John Pike testified to the same. Sworn in court.

John Pike and Theophilus Shatswell deposed. Sworn in court.

Benjamin Cimbball deposed that he heard Theophilus Shatswell say that he did not acknowledge any agreement, etc. Sworn in court.

Robert Ayers deposed, Apr. 9, 1662, that John Maxfeild said he should not go on with his action, etc. Sworn in court.

Steven Flanders and Isbell Houldredg testified that they were asking of Steven Webster how Makallam knew that Joseph Pike was to wake him in the morning to whip him, etc. Webster said that when he heard said Pike coming up in the morning, he put on John Maxfield's jacket and wrapped himself up in the bed-clothes, and so did not see Maxfield whipped, etc. Sworn in court.

" This Deponitt testifie y<sup>t</sup> upon a munday morning about 8 or 9 weekes sinc John Calum cam to my house & sd oh : gafer you haue such sportt as we haue itt mak you laugh this morning why sd I what sportt braue sportt sayd Calum John maxfeld be grenealy whiped this morning we went to wak y<sup>e</sup> tailer & mistooke & whiped maxfild in stead of y<sup>e</sup> tailer I dought sayd I itt was A wilfull mistake sure enough sd calam me know well enough w<sup>t</sup> me doe we gre last night w<sup>t</sup> we doe." Sworn in court.

Henry Palmer deposed, Apr. 9, 1662, that he heard John Maxfeild say, etc. Sworn in court.

Nathan Singletary and Robert Swan testified that John Calum said "me know well enough whatt me doe butt my Land lord know me no se well in a morning." Sworn in court.

Joseph Pike\* and John (his mark) Mackallum certified, Apr. 8, 1662, that they impowered John Pike to make the agreement, etc.

Wilya Houldridg deposed that one morning, being at Batt. Heath's house at Haverhill, John Calum came in with a pint of liquor, which he said was to be set upon John Maxfield's account for their whipping of him that morning, etc. Sworn in court.

\*Autograph.

Tho. Davis and Willi. Hutchins were dismissed from all trainings, ordinary and extraordinary, each paying to the military company of Haverhill 5s. per annum.

Tho. Davis and Willia. White took the three men's oath before this court for the ending of small causes for the town of Haverhill for the ensuing year.

Daniell Ladd, sr., being presented by the town and military company of Haverhill, to be confirmed as Leiftenant, the court approved of their choice.

Henry Palmer was sworn to end small causes for Haverhill.

Mr. Tho. Bradbury, Richard Wells and John Severance were sworn to end small causes for Salisbury.

Whereas it appeared to this court that there was a stray mare colt taken up at Haverhill by one William Deale, to which colt Cpt. William Gerish of Newberie and William Hamm of Portsmouth laid claim, the court ordered that the colt be delivered to Cpt. Gerish at Haverhill, said Deale to be paid charges allowed by the court, and that the next court at Hampton determine the rightful owner.

Willi. Fifeild acknowledged judgment.

Jno. Godfrey allowed for attendance and witness fees in the action brought against him by Richard Ormsby.

Daniell Tilton chose Samuel Tilton as his guardian, and the court allowed it.

The prudential men of Salisbury notified the court that they had given notice to Jno. Davis that they were not willing that he should become an inhabitant there.

Fees allowed to Jno. Ilsey, Mary Severans and Bennett Brown.

Court ordered that Joseph Shaw pay to Daniel Tilton 40s. in consideration of what service he had done for him since he was fourteen years old.

Edward Colcord was discharged of his bond for good behavior.

Court ordered Sam. Tilton to put in security to Daniel's portion in binding over land.

John Eaton to have 9.

COURT HELD AT IPSWICH, APR. 17, 1662, BY ADJOURNMENT.

Capt. Paul White was licensed to still strong water for a year at Nubury and to retail by the quart.

Mr. Peeter Duncan was licensed to sell strong water to the fishermen, as the other merchants of Salem did, for one year.

Robert Fitt was released from watching during the pleasure of the court.

Goodwife Lambert, being presented for taking tobacco in the street, confessed it.

John Godfry, complaining that the bill of costs in Job Tyler's action of accounts was too much, the court respitted execution until Job Tyler had opportunity to speak for himself. Afterwards by consent, 40s. were abated.

Upon petition of Symon Tompson on behalf of his son, Isayah Wood, for abatement of the charge for keeping the child of Mary Sheffield, the court ordered for the time to come to pay 18d. per week, he paying 3s. per week for the time past. Symon Tompson engaged for the payment of the same until the court take further order.

Ann Lume, dying intestate, the court appointed Judith Lume and Susanah Lume, her daughters, to administer upon the estate. An inventory,\* amounting to 49li. 2s. 6d., was allowed.

Will of Thomas Dickanson was proved and an inventory was received in court.

Will of Thomas Lee was proved and an inventory was received in court.

Thomas Varnye, upon his presentment for misdemeanors, was fined.

William Warener, upon his presentment for misdemeanors and stiffly denying them in court, was ordered to be whipped or to pay a fine.

John Carr's presentment was referred to Salem court, there being many witnesses absent.

Henry Muddle dying intestate, Mr. Peeter Duncan was appointed administrator and was ordered to bring in an inventory to Salem court.

John Godfry was allowed a bill of costs in the action concerning the attachment of hay.

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\*Inventory of the estate of Ann Lume, deceased, taken, Apr. 16, 1662, by Maxemillion Jewett and Samuell Brocklebanke: Aparell, 4li.; one bed, with furniture on it, 4li. 10s.; puter and Tin, 1li.; brase and Iron vessels, 1li. 2s. 6d.; wooden vessell, 10s.; table, chaires and cushings, 16s.; whelle and cards, 4s.; house and land, 20li.; three coves, one calfe and one 2 yereing, 17li.; total, 49li. 2s. 6d.



John Godfry was bound to prosecute his appeal at the next Court of Assistants.

Robert Day, complaining that the bill of costs in Robert Burges case was not right, the court ordered that execution be respitted until said Burges could be present.

COURT HELD AT SALEM, JUNE 24, 1662.

Judges: The Worshipfull Richard Bellingham, Esq., Dept. Govr., Mr. Samuel Symonds, Major Generall Danyell Denyson and Major William Hathorn; Assosiat, Mr. Woodman.

Jury of trials: Jacob Barney, Mr. Richard Moore, George Gardner, Joseph Gardner, Richard Bishopp, Roger Hascall, William Sergeant, Edward Needham, Tho. Wheeler, Wm. Bassett Robert Ingolls and John Fiske.

Civil cases:—

Nicolas Blushott v. Thomas Wills, master of the ship Robert. Debt. For thirteen and one-half months' sailing with him in the ship Robert at 48s. 4d. per month, in such pay as per agreement, according to attachment. Verdict for plaintiff, his wages due for eleven months, what he had already received being deducted. The defendant owned the agreement to be sterling money of France.\*

Thomas Harradine v. Thomas Wills, master of the ship Robert. Debt. For thirteen and one-half months' wages at 25s. per month, due for sailing with him in the ship Robert, according to attachment. Verdict for plaintiff. The defendant owned the agreement to be sterling money of France.\*

Elias Low v. Thomas Wills. Same.\*

William Tibbow v. Tho. Wills. Same.\*

Oliver Ober v. Tho. Wills. Same.\*

Samll. Mottoy v. Tho. Wills. Same.\*

John Gillett v. Thomas Wills. Same.\*

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\*Writs in all seven actions against Tho. Wills, dated May 30, 1662, signed by Hillyard Veren,† for the court, and served by Samuel Archard,† marshal of Salem, by attachment of the ship Robert.

Mr. Bushott's damage amounted to 26li. 11s. 6d., Tho. Harradin's, 13li. 15s., Elias Low's, 12li. 16s. 8d., William Tibbow's, 9li. 18s., Oliver Ober's, 11li., Samll. Mottoy's, 12li. 16s. 8d., and Jon. Gillett's, 13li. 15s., making a total, with costs, of 106li. 9s. 6d.

†Autograph.

**Peeter Duncan v. John Jackson.** Debt. Jury reported that if the fish attached were legally conveyed to Mr. Greene, they found for defendant, if not, for the plaintiff. Court adjudged it not legal.\*

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\*Writ: Peter Duncan v. Goods of Jno. Jackson, jr., in the hands of Robert Elwell; debt; dated June 2, 1662; signed by Edmund Clarke,† for the court; and served by Tho. (his mark) Judgkinge, constable of Gloucester, by attachment of fish in the hands of Robert Elwell.

Mr. Duncan's bill of charges, in Greene's case, 18s. 4d., in Jackson's case, 2li. 2s. 4d., and in John Bryar's case, 2li. 2s.

Plaintiff declared that what was yielded, with reference to common charges arising by means of a third person, Mr. Greene, putting something into court, and the court pleasing to receive it so far as to give a hearing on it, yet if it were not received by Ellwel, it did not bind. And if by any construction it should bind, it was no more than to what Elwell had expressed to be the common charge he expected, namely, boat hire, salt and nets, for whatever might be between others in their private agreements, in this case there was no more expressed than was proved in court.

Peter Duncan gave power of attorney, 19: 4: 1662, in his actions against John Jackson, jr., and John Bryers, to his loving brother, Mr. Daniel Epps, Mr. Robert Lord, sr., and William Averell. Wit: John Emerson† and Rich. Cordings.†

John (his mark) Jackson, jr., acknowledged, May 25, 1662, that he owed Peter Duncun 8li. 19s., which was to be paid in fish and mackerel. Wit: Gilles Barge.†

William Seargent, aged about thirty-five years, deposed that being at Robert Elwell's house at the stage, the latter told deponent that if Mr. Duncan would release John Bryer's and John Jackson's fish, it might be weighed. Also Elwell said that if he had his general charges out, Duncan might have the rest, etc. Sworn in Salem court, 26: 4: 1662, before Hillyard Veren,† clericus.

Daniell Epps, Thomas Judkin and James Davis testified that upon the fourth day at night after Goodman Elwell had testified in court, he denied that he said the fish was Mr. Greene's. Further Elwell said that he heard Bryers and Jackson say that they had promised their fish, green, to Mr. Greene, which the latter corroborated, quoting a price of sixteen shillings a hundred, but no agreement was made. Sworn in court.

Thomas Judkins deposed that Mr. Duncan desired him to serve an attachment, and he did so on the fish among the flakes at the stage, etc. Sworn in court.

Giles Barge testified that he was a witness to the accounts on

†Autograph.

Mr. Peeter Duncan v. John Bryars. Debt. Verdict for plaintiff.\*

Peeter Duncan, being attached to this court by Mr. Greene, who did not appear to prosecute, was allowed costs.†

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pages 60 and 72 in Mr. Peter Duncan's book, between said Duncan and Jackson and Bryars. Sworn, 19: 4: 1662, before Samuel Symonds.‡

Peter Duncan testified that the accounts were correct, etc. Sworn, 17: 4: 1662, before Samuel Symonds.‡

Jonas Moore, aged about thirty-three years, deposed that last October he was at Charlestowne with John Bryars and John Jackson, partners of the same boat's crew, at Jacob Greene's house, and they entered into discourse about such fish as they should catch the season following, etc. Sworn, June 16, 1662, before Samuel Symonds.‡

Elizabeth, wife of John Bryars, deposed that if they had agreed on a price, Goodman Elwell would have made the fish for Mr. Greene, etc. Sworn, June 16, 1662, before Samuel Symonds.‡

Thomas Judkins, constable, and James Davis deposed concerning going to Goodman Elwell and desiring the fish to be weighed, etc. Sworn in court.

Execution, dated June 30, 1662, against John Jackson, signed by Hillyard Veren,‡ clerk, and served by Thomas Jugins [Judkins] of Gloster, whom Samuall Archard‡ of Salem appointed his deputy.

\*Writ, dated June 2, 1662, signed by Edmund Clarke,‡ for the court, and served by Tho. (his mark) Judgings, constable of Gloucester, by attachment of fish of John Bryars' in the hands of Robert Elwell.

John (his mark) Bryars acknowledged, May 26, 1662, that he owed Peter Duncan 8li. 3d., to be paid in fish and mackerill. Wit: Gilles Barge.‡

Thomas Judkins, constable, testified that he left two summons at John Bryars' house, where John Jackson's usual abode was, and the wife of said Bryars took them. Sworn in court.

Execution, dated June 30, 1662, against John Bryars, signed by Hillyard Veren,‡ clerk, and served by Thomas Jugins‡ [Judkins] of Gloster, whom Samuall Archard‡ of Salem appointed his deputy.

†Writ: Mr. Jacob Greene v. Petter Duncan; for unjustly attaching or restraining a parcel of fish belonging to plaintiff; signed by Edward Burtt,‡ for the court; and served by Tho. (his mark) Judkin, constable of Gloster, by attachment of house and land of defendant.

‡Autograph.

Mr. Zarubbabell Endecott v. John Norton. Debt. For several goods delivered to him and several debts paid for him. Verdict for defendant.\*

Mr. Zarubbabell Endecott v. John Norton. For non-performance of covenant in building a house. Verdict for plaintiff. The defendant was ordered to build the house according to his former agreement before the last of the first month next ensuing, for which he was already paid, or to pay plaintiff 20li. damages.†

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\*Jno. Hathorne‡ certified in Feb., 1661, that John Norton, by Mr. Zerubable Endicott's order and upon his account, received six pounds in goods which were delivered for the use of his master, George Corwin.

Writ: Mr. Zarubbabell Endecott v. John Norton of Salem, carpenter; debt; dated 21: 2: 1662; signed by Hillyard Veren,‡ for the court; and addressed to the marshal of Salem.

†Writ, dated 21: 2: 1662, signed by Hillyard Veren,‡ for the court, and addressed to the marshal of Salem.

"Reseued of M<sup>r</sup> Endicot 10<sup>m</sup> 1<sup>s</sup> 03<sup>d</sup> for John Norton By me  
Edmond Batter.†"

"p m<sup>r</sup> Zerubbabell Endecot payd me for John Norton the iuste  
som of eyght shillings

p<sup>r</sup> me Elias stileman.‡"

Zerobabel Endecott's bill of charges, 1li. 5s. 2d.

John Robinson, aged twenty-two years, deposed that Mr. Endecott, his master, urging John Norton several times to raise his house, the latter replied that he could not do it without ladders. Mr. Endecott told him that if he would make ladders he would pay for them, but Norton said that if Endecott would not provide them, the house might lay and rot, and if he would not provide clapboards and shingles it was in vain to try to raise the house. Deponent conceived that there were boards enough there, etc. Sworn in court, 24: 4: 1662, before Hilliard Veren,‡ cleric.

William Nicolls, aged about sixty-three years, deposed that Mr. Endecott said that he could not make ladders himself but if Norton would make them, he would pay him. Also that Norton said if he were forced to raise the house he would do so, though it hung together with withes, but he would never finish it. Sworn in court.

William Nickolls and his wife testified that they heard Jno. Norton acknowledge, at their house, that he had received 25s. of Mr. Williame Browne upon account of Mr. Zerebabbell Endecott. Confessed in court.

John Nicolls, aged about twenty-two years, deposed that Mr. Endecott said he would help Norton make ladders. Also that

‡Autograph.

Mr. John Gifford v. Mr. Edw. Laine, executor, administrator or possessor of the estate of Capt. Robt. Keyne. For Capt. Keyne's taking away the estate and goods of said Gifford and wrongfully imprisoning and detaining him there. The defendant not being proved to be the executor of the estate, the plaintiff was nonsuited.\*

Mr. Joseph Humphries and Mr. Edmond Batter, administrators of the estate of John Humphrie, Esq. v. Georg Keyser. For occupying and building upon a certain parcel of land of said Humphries, lying in Salem. Verdict for defendant.†

Norton said that he would raise the house when he had leisure time, etc. Sworn in court.

Nathaniell Norton, aged twenty-three years, deposed that the frame was ready to raise about the middle of March, 1660, he being one of the workmen, and that Mr. Endicot told them to let it lay until he could get boards to raise it, which he said would be about a fortnight, upon which they agreed. Sworn, 20: 4: 1662, before Ezekiel Knights‡ and Will Hamonds,‡ commissioners of Wells. Paper addressed "Deliver these to the Clerke of the writts of Salem."

Margaret, wife of William Nicolls, deposed. Sworn in court.

George Norton, aged twenty-one years, deposed that he was one of the workman, etc. Sworn, 22: 3: 1662, before Wm. Hathorne.‡

\*Writ, signed by John Fuller,‡ and served June 19, 1662, by Rich. Wayte,‡ marshal of Boston. Bond of Edward Lane.‡

†Writ, dated Mar. 24, 1661-2, signed by Hillyard Veren,‡ for the court, and served by George Yardly,‡ deputy for John Ruck,‡ constable of Salem, by attachment of defendant's tan house.

Georg Kescer's bill of charges, Goodman Deacon, Nath. Pickman and William Aline, witnesses, 1li. 6s. 6d.

Thomas Ripe and Mary Chichester, each aged about forty years, deposed that they had often seen Keisor's horse loose feeding in the enclosed ground around the tan house that he built in Salem. Sworn, 24: 1: 1661-2, before Wm. Hathorne.‡

Jno. Horne, aged about sixty years, deposed that he sold to Jno. Humphrieye, Esq., deceased, about one acre of land and a house where George Keisour has now built a tan house in Salem. Sworn 24: 1: 1661-2, before Wm. Hathorne.‡

Ric. Stileman‡ of Portsmouth in Pascataquay river, aged fifty-one years, deposed that he formerly bought a piece of land and a house, situate in Windmill field in Salem, of Mr. Friend, formerly of Salem, but then of Jeofforie's Creeke, which house and land deponent sold to Major William Hathorne and Mr. Henry Bartholmewe of Salem. Sworn at Portsmouth, June 7, 1662, before Elias Stileman,‡ commissioner.

‡Autograph.

Mr. Edmond Batter v. Mordecaie Creford. Debt. Verdict for plaintiff.\*

Mr. Moses Maverick & Company v. John Trumboll, master of the ship Blossome. Trespass. For over-running and sinking a shallop, riding at anchor at sea, belonging to plaintiff, Frances Hooper being master of the said shallop. Verdict for plaintiff. Appealed to Court of Assistants. Mr. John Wiswell and John Trumboll bound.†

\*Writ, dated May 26, 1662, signed by Hillyard Veren,‡ for the court, and served by Samuell Archard,‡ marshal of Salem, by attachment of fish of defendant.

Edm. Batter's bill of costs, 16s. 2d.

Eadith (her mark) Creford of Salem, attorney of her husband, Mordecaie Creford, acknowledged a debt of 33li. 3d. to Mr. Edmond Batters of Salem, which she promised to pay in merchantable cod fish at price current on or before Nov. 1, 1662, to be delivered at Salem or Boston. She gave her house and land which she then occupied as security. Wit: Samuell Williames,‡ Hilliard Veren, jr.,‡ and Hillyard Veren, sr.‡

†Writ: Moses Maverick & Company v. John Trumble of Charlestowne; trespass; dated 4: 4: 1662; signed by Jonath. Negus,‡ for the court; and served by Rich. Wayte,‡ marshal of Suffolk, by attachment of the ship Blossom. John Trumbal's‡ bond.

John Trumble's bill of charges, 2li. 12s. 6d.

Inventory of goods in the boat: One Nett, 3li. ; 1 Rope belonging to ye nett, 10s. ; 1 old nett, 40s. & 1 Rope, 10s., 2li. 10s. ; 1-2 Barrell of oyle, 1li. ; 3 C. 3-4 of good Codd fish, 7li. ; 2 B. of Salte, 6s. , & Bagg, 5s., 11s. ; a splitting knife, 2s. 6d. ; an Iron pott, 5s. 6d. ; total, 14li. 19s. A Cap of Francis Hooper, 13s. ; a Coate, 10s. ; a Coate of Tho. Roses, 10s. ; 1 pr. of Briches of Fran. Hooprs., 10s. ; 1 pr. of drawes, 3s. ; 1 pr. of shooes, 3s. ; 1 pr. of stockings, 2s. ; a thoust, 2s. ; gloves & mittings, 3s. ; 1li. of Candles, 6d. ; hookes & lines, 1li. ; a gimblett, 3d. ; a kniufe, 6d. ; a steele, 3d. ; charges at Boston, 10s. ; total, 4li. 7s. 6d. Things of Will Carter's, a weas-coate, 12s. ; 1 pr. of shooes, 6s. ; 1 pr. of shooes more, 2s. ; 2 pr. of stockings, 4s. ; 1 pr. of Briches, 4s. ; 1 pr. of mittings, 1s. 6d. ; 1 kniufe, 1s. ; hookes & lines, 1li. ; charges at Boston, 10s. ; total, 3li. 6d. Things of Ellias Fortin, 1 pr. of Bootes, 1li. ; a long Cape, 1li. ; a sute of ledr. stuf, 10s. ; a Coate & brichis, 10s. ; a Capp, 4s. ; 1 pr. of Stockings, 2s. ; hookes & lines, 1li. ; Charges at Boston, 10s. ; total, 4li. 18s. The Boat with all her furniture, 65li. "for the hendrance of 4 men till this tyme & while this Corte last which we know not what it will bee." Attested in court by Wm. Carter, Elias Fortine and Frances Hooper. Hillyard Veren,‡ cleric.

‡Autograph.

Alexander Joanes v. Capt. Thomas Barnerd, master of the ship Ann. Debt. Due for several months for himself and a servant

Indygoe Potter, aged about twenty-five years, deposed that he was one of Mr. Troumble's seamen when he came last from Barbadoes and he heard the foreshipman and the midshipman of the shallop say that the next day they were to go in and haul up their boat for the whole summer because she was old and rotten and not fit to go to sea. They also said that they veered their road. Sworn, 23 : 4 : 1662, before Richard Russell.\*

Mighell Combs, aged about twenty-eight years, deposed that about a month past, being at sea on the fishing grounds, he saw a ship coming in from the sea, "knowing not what shee was: wee Came to sayle closs Uppon a wind to speak w<sup>th</sup> hur: wee saw the sayed shipp strinbling in neere w<sup>th</sup> Frances Hooprs shallupp: whoe was at ancor and a Fishing Bann her Full aboard & sunck | her | in the sea: butt might haue esylie escaped the sayed shalopp if they had plesed: for they had sea Roome Inuff & the wind at thire plesure: to goe Ither a head or a starne of them: w<sup>th</sup> Resonable Care: I was nott much beyond a Cables leangth From the shipp when this was don: alsoe the shipp's Company hullowd to vs: and my Company Cried owt to me to beare upp: seeing them sayle soe desprately & what hurt was don For feare they would doe us a mischeef: but wee stood a litle farther to weather the shipp & then tackt in to saue the Fishermen who weare in danger of drowning." Sworn in court.

Richard Feris, aged about thirty years, deposed that he was a passenger in the ship Blossome and that Mr. Trumble desiring to speak with a shallop riding at anchor, they ran against the said shallop, sinking her. After the men from the shallop came aboard, deponent heard Mr. Croad's servant say that the master of the shallop bade him veer the road and he did so. Sworn, 21 : 4 : 1662, before Richard Parker,\* commissioner.

John Smith, aged about thirty years, deposed that he being a passenger on the ship, heard the foreshipman of the shallop say that if the latter had not veered the road, the ship would have gone clear, etc. Sworn, 21 : 4 : 1662, before Richard Parker,\* commissioner.

William (his mark) Carter, Franc. (his mark) Hooper and Elias (his mark) Fortin declared that they were at anchor about six or seven leagues in the sea at their calling of fishing and at about nine or ten o'clock in the morning saw a ship coming about four leagues from them, which ship did not hail them, but ran aboard them near the midship of the boat and sunk her. The men were in great danger of their lives but the boat's master, getting hold of the ship's head, was saved and also with difficulty the other two were saved.

\*Autograph.

sailing with him in the ship *Ann*. Verdict for plaintiff, his wages according to agreement. The jury left out the servant's wages as being not yet due. The court did not accept this verdict.\*

They further testified that the boat was of seven tons, good and strong and well conditioned and fitted for another voyage, the mid-shipman being shipped for another voyage as master; also that her sails and all other rigging were good and new at the beginning of the last voyage, only the roads, though put into the boat the last voyage, were not so good as the owners expected. Sworn in court.

\*Writ, dated June 17, 1662, signed by Hillyard Veren,† for the court, and served by Samuell Archard,† marshal of Salem.

Alixnder Jones testified that he was shipped on board the *Ann*, on Jan. 18, 1661, for 4li. 10s. per month or 450 pounds of sugar, which for five months and ten days, amounted to 23li. 12s. Also for his service, he was to receive 32s. a month, which makes 5li. 18s. for the whole time.

Albert Albertson,† Wallter Coulston,† James Maior,† Joshua Steadman,† Robert (his mark) Renales, Gorg (his mark) Bonom, George Benson,† Thomas Hutchinson† and Willim (his mark), Soler testified that "Alexander Jones hath deported himself quietly honestly & siually since his coming among Va."

"I desier the honorebell Court and Jewrey to Consider my Condition being turnd ashore the 6<sup>th</sup> day of this moneth not haueing where withall to mayntayne my Selfe but what I haue got of the good people of this towne Vpon Credett not Suffering vpon aney a Count to Come aboard to gett aney Clothes to Shift my Selfe and fayne to Continue here in a sad Condition."

Articles of agreement, dated July 9, 1662, made and concluded between Thomas Barnard,† commander of the ship *Ann*, and Samuell Venner,† merchant, on one part, and Henrie Watson,† John Howard† and William Liddell,† on the other part: The three latter agreed to sail on the ship *Ann* on her intended voyage from New England to the Western Islands, thence to the Madera Island, thence to the Islands of Cabo Verd and thence to Barbados; that they were to receive one month's pay in money and two months' pay in dry fish, and that their wages should be advanced five shillings per month, that is, fifty-five shillings per month for Watson, forty-five shillings for Howard and forty shillings for Liddell; that they were to receive one month's pay at the Madera and the remainder, that is, what should be due both from the time of their coming out of old England (the three months' pay given them in New England and the month's pay at Medera to be deducted), until their arrival at Barbados, they were to be paid in Muscovadus sugar at the rate of eighteen shillings per hundred, and to be discharged there; that the said persons should be allowed to carry in

†Autograph.



John Johnson v. Peeter Nash. Debt. Withdrawn.

Mr. Joseph Humphries and Mr. Edmond Batter, administrators to John Humphries, Esq., deceased v. Mr. Moses Maverick and

the ship from the Islands of Cabo Verd to the Barbados, each man on Asse negro freight free with provisions for them, and if they shall want wherewithal to procure the said Asse negroes, the said Bernerd and Venner would advance the amount, to be deducted later from wages due them at Barbados; that the ship should not go to Ginnea nor load salt at the Cabo Verd Islands; that if the ship did not make the intended voyage, the agreement should be void, and the ship was to return directly to Barbados from New England, and the men were to be paid their wages.

Similar agreement, dated July 9, 1662, made between Tho. Barnard\* and Samuell Venner,\* on the one part, and William Haskoll,\* Thomas Bomer\* and John Johnson, seamen, on the other part, the latter to receive thirty shillings per month, and one pipe of wine from Madera to Barbados.

Similar agreement, dated July 9, 1662, made between Tho. Barnard\* and Samuell Venner\* on one part, and Walter Cowlston,\* Willem King\* and William Laverock,\* seamen, on the other part, the latter to receive twenty-six shillings per month.

Thomas Bomar deposed that coming in sight of Margarita, Mr. Jones did not recognize it and stood off to sea, then coming upon it again, he called it the Margarita. "From thence wee shaped our course to the salt tertoooges & anchored safely there from whence goinge to Mona he likewise mistooke that Iland at that present but coming to the westernmost part of the Iland of Mona he knew that Iland also from whence wee (by want of water) went to the Iland of Sauona from whence cominge on the Coast of New England beinge thick weather & in a weake condition for want of pronisions & water beinge constrained wee tooke a man from a Catch by reason Mr. Jones said he had beene so farr to the eastward." Sworn in court.

John Howard testified that they loaded the ship at Tortogoes and went to Mona for water, and coming to the Iland of St. Johns, Mr. Jones supposed it to be St. Cruse. They bore away in the evening and came up with Mona, which Mr. Jones did not know, so they bore away that evening, all the company knowing it was Mona. Then they went to Savona for water, and coming to the New England coast, they spied two sails of small vessels to the northward, and speaking with them were informed that they were off from Casco Bay. They hoisted their boat and went aboard one of the vessels and one of their men came aboard the Ann, which man was detained by the company because their pilot, Mr. Jones, was not acquainted to the northward. They had no bread, water, nor provisions, and the wind being westerly, the man promised he could

\*Autograph.

Wm. Charles. Trespass. For possessing, feeding and otherwise occupying a farm near Marblehead, containing seven or eight hundred acres, formerly in possession of John Humphries. Verdict for defendant.\*

carry them where they could get food, but he would not undertake to carry them into Paskattaway; however, they came between the Isles of Shoales and Passcattaway toward night, and Mr. Jones bore in, supposing that the land to the southward was Passcattaway, but the company knew otherwise. Deponent afterward saw Mr. Jones and the master scuffling in the cabin and some bad language was used, and the master's neckcloth torn. Sworn in court.

Wm. Liddell deposed that they landed at Piskadaway, etc. Sworn in court.

Judgment of the court was that the case of Alexander Joanes, mate, be referred to the Worshipfull Major Generall. Danyell Denyson and Worshipfull Major William Hathorne, who adjudged that for his misdemeanors to the master, said Jones was to forfeit one month's wages, and that Capt. Barnard was to pay him his wages, as per agreement, with one month deducted, at the Barbados by the first opportunity of conveyance of bills of exchange. Also that said Barnard should deliver to said Joanes all his bedding, clothing, instruments or other goods on board the ship.

\*Writ: Mr. Joseph Humphries, etc. v. Mr. Moses Mavericke, Willm. Charles, Jno. Peach and Jno. Bartoll; trespass, etc.; dated 19: 1: 1661-2; signed by Hillyard Veren,† for the court, and addressed to the constable of Marblehead.

Edmond Batter,† Joseph Humphrey,† Moses Mavericke,† John Peach† and William (his mark) Charles agreed, on May 23, 1661-2, to withdraw the action and were bound to try it at next Salem court, unless it be settled before.

Bill of charges of Mr. Joseph Humphries and Mr. Batter, 1li. 5s.

Copy of Boston court record, dated 6: 7: 1642, Mrs. Lydia Bancks v. Mr. John Humphrey, for damages, 100li. 6s. 13d. Also Mrs. Bancks v. Abra. Oatley, confessed a judgment of 20li. and damages. Copy taken from the book of records that Mr. Nowell kept, by Edward Rawson,† recorder.

Daniell Salmon, aged about fifty years, testified that the land in controversy was enjoyed by Mr. Humprey's father from his first coming over. Sworn in court.

Hugh Alley, aged fifty-three years, deposed that John Humfrey, Esq., deceased, possessed the Plains farm "As we goe to marble head Adjoyning to Mr. peters his farme & y<sup>e</sup> y<sup>e</sup> s<sup>d</sup> Humfrey kept seruants At his house one y<sup>e</sup> s<sup>d</sup> Land & this Deponent sayth Allsoe y<sup>e</sup> he earned seueral pounds for worke done there one y<sup>e</sup> plaines farme w<sup>ch</sup> was payd him Allsoe by y<sup>e</sup> s<sup>d</sup> Humfrey & when y<sup>e</sup> s<sup>d</sup>

†Autograph.

Richard Bellingham, Esq. v. Tho. Wood. Trespass. For illegally entering into and unjustly withholding orchard, lands arable and commons, according to attachment. Nonsuited, the attachment not being legally directed.\*

Richard Bellingham, Esq. v. James Bayly. Trespass. For unjustly withholding land in Rowly, formerly in possession of Mr. Wm. Bellingham, deceased, and since in possession of said Richard, brother and heir of said William. Verdict for defendant. Appealed to Court of Assistants. Richard Bellingham, Esq., and Leift. Cook bound.†

Humfrey went for England Left his son in Law otly Att y\* house." Sworn in court.

Nathaniell Pickman, aged forty-seven years, deposed that about twenty-three years ago Mr. John Frende built a frame of a house at the Plains for Mr. John Humphrie, Esq., and did other work at his house in Salem, and for payment for such work done, Mr. Adam Oatly sold to Mr. Frende the house and ground of Mr. Humphrie. For the remaining five or seven pounds, which the work did not cover, Mr. Frende was ordered by Mr. Oatly to pay to John Deacon of Lin. Mr. Oatly acted for Mr. Humphrie, when the latter was in New England, about finishing the said house at the Plains, and deponent worked there several times, and received pay from Mr. Oatly Sworn in court.

John Deacon, aged sixty years, deposed that Mr. Adam Oatly told deponent about twenty years ago, that he had sold a piece of land and a house to one John Freind of Salem for twelve pounds. When Mr. Humphries went to England he owed deponent seven pounds, etc. Sworn in court.

\*Writ, dated June 19, 1662, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich.

†Writ, dated June 18, 1662, signed by Robert Lord,‡ for the court, and served by John Todd,‡ constable of Rowley.

James Bayly's bill of cost, 2li. 8s. 8d.

Philip Nelson, John Carlton and Jerimiah Jewett certified, 25: 1: 1662, that "All those who are attached soe far as they doe posses any Lands now in controversie we doe owne that they doe posses the sayd Lands as our right." Copy of the original on file, made by Robert Lord,‡ cleric.

Ed. Carliton,‡ Tho. Barkar,‡ and Maxi. Jewet,‡ in the name of the five men of Rowley, certified, 3: 22: —, that whereas Mr. Will. Sykes gave bond to pay 100li. of English money for the town of Rowley to the attorney of Mr. Edward Carlton in England, and gave order to Mathew Boyes to receive it here in wheat or

‡Autograph.

other mercantable commodities at money price, said town of Rowley agreed to allow him three half pence at the shilling below the ordinary price as things passed between man and man. Paper addressed "To the Right Worshipfull M<sup>r</sup> Richard Bellingam at Boston these."

On the reverse of the foregoing paper: "Loweinge freinds such a note as this before yo<sup>a</sup> rec<sup>d</sup> my Catle and sold y<sup>m</sup> wold haue procured some order for yo<sup>r</sup> direction from me: but I simply thought my paym<sup>t</sup> of | them | wold haue clearly discharged the 15<sup>u</sup> but as I s<sup>d</sup> I shall referre it: I alsoe pceine that y<sup>e</sup> catle were sold for more y<sup>a</sup> 15<sup>u</sup> &c."

Copy of record of the General Court at Boston, May 17, 1662, granting the petition of Richard Bellingham, Esq., Deputy Governor, for right to continue to prosecute his claim to the house and land at the county court, etc. Copy made by Edward Rawson,\* secretary.

Mr. John Belingham, attorney to Richard Belingham, Esq., his father, on May 19, 1662, continued his claim to those houses and lands in Rowley, lately belonging to his uncle, Mr. William Belingham, deceased, according to actions lately entered at Ipswich court against the present incumbents. First, one house lot, containing four acres, bounded on the north by a piece of common, part of it lying on the east side of the street and part on the west, the house and part of the lot being in the possession of Thomas Wood, and the remainder in the hands of Samuell Platts and Henry Ryley. Second, planting lots in the northeast field, laid out to Mr. William Belingham, thirteen acres of upland on the north side of Mr. Thomas Nelson's lot, abutting on the marsh and highway, now in possession of James Bayley and John Palmer. James Bayley had also two gates and a half and said Palmer, two gates, all of which belong to the right of the farm of Mr. William Belingham. Ten acres of salt marsh, laid out to said Belingham, on the north side of Mr. Thomas Nelson's marsh, the east end abutting upon a salt creek, the west end upon upland, now in possession of said Bayley and Platts. Copy of Ipswich court records, folios 87 and 88, made by Robert Lord,\* recorder.

Copy of depositions of Richard Longhorne, John Boynton, John Spaford and Richard Homes, taken from the Ipswich court records of Mar. 25, 1662, made by Robert Lord,\* cleric.

Robert Lord, aged about fifty years, deposed that he never saw any will proved in Ipswich court without testimony upon oath. When Mr. William Bellingham's will was proved, deponent was clerk under the Worshipful Mr. Samuell Symonds, and was present, and, as clerk, attested it, and it was delivered to Mr. Chute. He never saw it again until it was presented to the last Ipswich court but not left there. Deponent further testified that since he was solely clerk of the court, he had always kept the original on file

\*Autograph.

and given copies to the proper authorities, as the law requires, and that he mentioned the names of those who proved the will, upon the will itself. Sworn in court, before Hillyard Veren,\* cleric.

William Boynton, aged about fifty-six years, deposed that he heard Mr. Richard Bellingham say how unworthily his brother, William Bellingham's estate was obtained by Mr. Jewit, for he had prohibited said Jewit from meddling with it or buying it, because there could not be a legal title to it from Richard's son. Yet the said Jewett took opportunity, when Richard was very sick, to buy this estate in Rowley, of Richard's son Samuell, for an inconsiderable sum, expecting said Richard would die. This was done suddenly upon said Samuell's departure for England, etc. Sworn, 18 : 4 : 1662, before Elea. Lusher.\*

Samuel Brooklebanke, aged about thirty-three years, and John Lambert, aged about thirty years, deposed that James Bayley occupied the land which belonged to the farm house which Richard Bellingham lived in after the decease of his brother, William, etc. Sworn in court.

Ezekiell Northend, John Pickard and Edward Hassen deposed that at the time Mr. Samuell Bellingham sold Mr. Jewett his house and land at Rowley, many were unsettled and sold their land cheap. Mr. Carlton, Captaine Bigham and others sold at about that time at a lower rate than this land of Bellingham's. Since that time, when land was in more demand, land in their bounds was sold at the rate of forty shillings per acre for one hundred acres, which was the highest price in those days. Mr. William Hobbson also sold one thousand acres, in the track of land where the farm in controversy was located, at twenty pounds. Sworn in court.

Andrew Hidden of Rowley, aged about forty years, deposed that he was sent to the Bay by Mr. Samuel Bellingham to ask his father, Mr. Richard Bellingham, to come to the burial of Mr. William Bellingham. A few days after, deponent desired Richard Bellingham, Esq., to pay for his journey and he replied, "Goe to my son Samuell for he hath all y<sup>t</sup> was my brothers and must pay all." Mr. Samuell gave deponent a red waistcoat of Mr. William's. Sworn, June 23, 1662, before Daniel Denison.†

Ezekiell Northend, aged forty years, deposed that his cousin Jeremiah Northend, who lived with Mr. William Bellingham when he died, told deponent, between the time of the latter's death and his burial, that he had made a will and disposed of his estate to Mr. Samuell Bellingham, who was to pay the debts and legacies, also that Mr. Ezekiell Rogers and Mr. Thomas Nelson were witnesses. Said Jeremiah further told him several passages in the will, which proved to be correct. Jeremiah Northend was, said deponent, "as I hope still liveing in England for I heard from him the last yeare or the yeare before." Sworn in court.

\*Autograph.

John Lambert, aged thirty years, deposed that he had heard Mr. Joseph Jewet say that Mr. Richard Bellingham had told him that he should never enjoy the land he had bought of Mr. Samuell Bellingham. Mr. Richard sent several cattle to be kept at Rowley, deponent's father being employed to care for them, and he also sent a Norseman to be at his father's order to cut grass on the meadow of Mr. William for the wintering of the cattle. Sworn in court.

Ezekiell Northend deposed that he heard Mr. Joseph Jewet say, the year before he died, that Mr. Richard Bellingham told him that he should never enjoy the land unless he should give him more than he had given his son, for Mr. Richard considered himself the right heir. Mr. Jewett replied that he must take his course, for he cared not a button. Further, deponent testified that there was a mare that was kept at Rowley that was always called Mr. Richard Bellingham's, until she had two colts. Sworn in court.

The reply of James Bayly to the exceptions of Mr. Richard Belingham, Esq., in his declaration against the will of Mr. Will. Belingham, deceased. First, that though Mr. William Belingham died without issue, his real estate does not belong to plaintiff, because he gave his whole estate by deed or will to Mr. Samuell, which will was witnessed by two such substantial men as Mr. Ez. Rogers and Mr. Tho. Nelson, men of great credit and known integrity. Second, that plaintiff never dwelt there by his own right, but by permission of Mr. Samuell Belingham. Third, that defendant lived there by right of Mr. Samuel Belingham. That the will was without date, and that it was uncertain whether it was the last will or whether he was of disposing mind, he answered that it stands as the last will until a later is produced, and was properly witnessed, and if it were not a true will it must imply a notable piece of knavery such as is not charitable to charge upon three such men as the dead, Mr. Belingham, and the living, Mr. Rogers and Mr. Nelson. That there is no law in New England that makes a will null for want of date, and he claimed the benefit of the law in the law book, page 1. That he granted that there was no executor mentioned, but he knew no law which makes a will null on this account. That by the will Mr. Samuell Bellingham was to receive and pay all debts and consequently he had the right of executor. That the will was not proved on oath, he answered that it is not so much as common charity to think the court would give its legal attest to a will not legally proved. Mr. Rogers being alive so long after the probate of the will is a better argument that he was present than that he was not present. There is no law that enjoines recording of the evidence though it must be produced to the court where it is proved. That the deed of sale to Joseph Juet was before the probate, he answered that the will was in being before the first deed of sale and consequently they had the right of making sale by the will, which was as much as was expected in

those times, being in the country's infancy, not having law to direct. Doubtless much estate by less formality than this did pass in those days. The probate of the will was before the second deed of Mr. Samuell Bellingham and his wife, which was as full to all intents and purposes as the first. There was no law for probate of wills when this will was made, and the next year after the law was made, the will was proved, etc.

The reply of Richard Bellingham to the answer of James Baley to the declaration: If the writing were a deed, as defendant expressed, then Samuell Bellingham had the estate only for life and if he sold any portion of it, he forfeited the estate to the heir. That he took possession of the estate and dwelt there in his own right, and no other dwelt there before him after the death of his brother, and his son could not, being under age. That there is no way to determine which is the last will, if others be produced, since there was no date on the will. That there is no law in New England that makes a will, without date, valid. That Mr. Samuell Bellingham was not executor and did not pay all debts, as plaintiff paid much out of his own real estate, and what his son did, was by his appointment. That defendant's claim that the plantation was in its infancy, is a great mistake, as the whole country may judge and the practice and records of the courts will show as exact proceedings then as since the law was made, and illegal proceedings did not pass then, etc.

The reply of James Bayly to the reply of Rich. Bellingham, Esq., made to the first reply of James Bayly to the declaration of said Mr. Bellingham: He conceives the title legal, and lands being inheritances in this country, our laws disallow and make them chattels and liable to wills and executions, as in our law book, page 20, lines 37 and 38, page 84, lines 13 and 15, and page 81.

James Bayly's exceptions to the testimony of John Lambert: That deponent was of nonage when his father, Francis Lambert, was employed about the farm. That Francis Lambert was included in the complaint of Mr. Samuel Bellingham in respect of the account which he could not get of the estate while he was in England, which was the time that said Lambert occupied the same. Consequently John Lambert himself may be liable to account.

Copy of will of William Bellingham, taken from Ipswich court files by Robert Lord,\* cleric.

Copy of warranty deed, dated July 23, 1650, Samuell Bellingham of Boston, gent., and wife Lucy, for 140li., to Joseph Jewett of Rowley, clothier, the whole farm in Rowley which he received as a legacy from his uncle, William Bellingham, Esq., also all the rents due from John Spaffourd, by lease, from Sept. 29 last. Wit: William Paine, Robert Scott and John Tinker. Acknowledged,

\*Autograph.

4 : 7 : 1650, before Samuëll Symonds. Copy made, June 20, 1662, by Robert Lord,\* cleric.

Lucy, wife of Samuëll Bellingham, on 21 : 8 : 1650, released her dower. Wit: Henry Sandys and Mathew Boyse. Acknowledged, 23 : 8 : 1650, before Samuëll Symonds. Copy made, June 20, 1662, by Robert Lord,\* cleric.

Deed, dated, — : 12 : 1661, Philip Nellson,\* Jeremiah Jewet\* and John Carleton, of Rowley, executors of the estate of Joseph Jewett, late of Rowley, deceased, for 30li. 10s., to James Baly of Rowley, six acres of upland and meadow, one ox gate and one cow gate and a half, five acres of salt marsh in the divisions of Rowley, all of which was sold by said Jewett to said Baly, but said Jewett departed this life without giving said Baly a legal deed. The six acres were bounded upon the east by the meadows of Bradford street men, on the south by land of Thomas Nellson, on the north by a cartway to the meadows, on the west by land of John Pallmor; the ox gate belonged to the ox pasture of the east end of the town of Rowley; the cow gate and a half was upon the cow common of Rowley; the five acres of salt marsh were half of Mr. William Bellingham's fourth division of salt marsh, the whole meadow being bounded on the southwest by the meadow of Thomas Nellson, on the east by the meadow of Ezekiel Northend, on the southeast end upon a great creek, and on the northwest by upland of Thomas Abbot. Wit: Samuëll Mighell\* and John Acie.\*

Richard Bellingham, Esq., presented the following to court: "M<sup>r</sup> Rogers settling his plantation at Rowley betwixt Ipswitch & Newbury were very much straitned, & so forced to buy farmes on both sides, which were paid for mostly by M<sup>r</sup> Rogers himselfe, & some principal men y<sup>t</sup> came over w<sup>th</sup> him, who had considerable Estates, amongsts whom M<sup>r</sup> William Bellingham paid about y<sup>e</sup> 16<sup>th</sup> part for y<sup>e</sup> s<sup>d</sup> purchases & it seems paid all Rates to Church & commonwealth by y<sup>t</sup> proportion, & accordingly he was to have his proportion in all y<sup>e</sup> Lands in Rowley, And after his death there was a hundred pound to pay to Mr. Carleton in arrears for some of y<sup>m</sup> farmes, which ¶ part of w<sup>ch</sup> namely 15<sup>li</sup> and 7-10 ¶ M<sup>r</sup> Richard Bellingham paid out of his owne Estate being demanded of him for his s<sup>d</sup> farme in Rowley, by some of y<sup>e</sup> prudential men, beside other Rates to ye Ministry ¶ w<sup>ch</sup> was ¶ above five years after his ¶ W. B. ¶ decease; All w<sup>ch</sup> time ye townesmen of Rowley did account it y<sup>e</sup> farme of M<sup>r</sup> Richard Bellingham, & sent to him for payments for y<sup>e</sup> s<sup>d</sup> farme And it were very hard if y<sup>e</sup> Estate of M<sup>r</sup> William Bellingham should goe from his Brother to a stranger unduely, illegally, & for an inconsiderable Recompence. M<sup>r</sup> William Bellingham about nineteen yeares agoe falling sicke, M<sup>r</sup> Richard Bellingham his brother was sent for, who hastning thither found y<sup>t</sup> he was both dead & buried, yet at that time I spake to

\*Autograph.



Mr. Jacob Green v. John Jackson, jr. Debt. The jury find for the defendant, if the fish were legally conveyed, if not, for the plaintiff. Court adjudged the conveyance not legal.\*

some friends to take care of y<sup>e</sup> Estate for mee, afterwards I sent my son Samuel to Rowley, being a youth & under age, to informe me how things went, after which I went myselve with my family, & dwelt in y<sup>e</sup> house, which I had appointed to be reserved for mee; tho y<sup>e</sup> Land & some part of y<sup>e</sup> house was let to tenants according to my order, & I found y<sup>e</sup> tenants very respectful, loving & serviceable to me; and since M<sup>r</sup> William Bellingham his death, y<sup>e</sup> said Richard Bellingham paid many debts. It doth appeare evidently y<sup>t</sup> y<sup>e</sup> s<sup>d</sup> Richard Bellingham being y<sup>e</sup> right owner was possessed about eight yeares of y<sup>e</sup> s<sup>d</sup> estate, having from time to time appointed M<sup>r</sup> Carleton and Francis Lambert to let y<sup>e</sup> farme, Samuel Bellingham acting w<sup>th</sup> them. Afterwards Joseph Jewet got possession of y<sup>e</sup> Farme, but not w<sup>th</sup>out some just blemish in meddling betwixt father & son, he well knowing how buisnesses was betwixt them as most in Rowley did at y<sup>t</sup> time, yet pswading my son Samuel to sell his fathers Estate while himselve was yet living, & y<sup>t</sup> his title was better y<sup>n</sup> his fathers; & yet it doth evidently appeare upon sight of y<sup>e</sup> p<sup>t</sup>ended will y<sup>t</sup> Samuel Bellingham could give him no right to y<sup>e</sup> Estate & tho Joseph Jewet knew his title was weake & litle worth, for it was so told him in some discourses before this time, yet he would — an inconsiderable value upon it, & so got a writing from Sam<sup>l</sup> Bellingham unknowne to his father, they keeping it private from him. Now if such things be countenanced y<sup>t</sup> y<sup>e</sup> son sh<sup>d</sup> sell y<sup>e</sup> fathers Estate and y<sup>t</sup> such men sh<sup>d</sup> so buy it, fathers cannot know w<sup>t</sup> they have to leave to y<sup>e</sup> Children: Beside at y<sup>t</sup> time Ri. Bellingham was very sick & ill, w<sup>n</sup>, if he should have died Joseph Jewet was likely to get a good Estate | my sonne | being my next Heire in possibility." The foregoing was denied in court by the defendants.

\*Writ, dated 18: 4: 1662, signed by Edward Burtt, † for the court, and served by Thomas (his mark) Judgking, constable of Gloster, by attachment of fish of defendant at the stage of Robert Elwell.

Jacob Greene's bill of charges, 1li. 8s. 8d.

John (his mark) Jakson, on Aug. 17, 1660, acknowledged a debt of 49li. 19s. 7d. to Mr. Jacob Greene of Charles Towne. Wit: Sammuell (his mark) Lemans and Marey (her mark) Bruer, who made oath, 23: 4: 1662, before Richard Russell. †

Jonas Moore, † aged about thirty-three years, deposed, June 19, 1662, that John Briers, John Jakson and himself were at the house of Jacob Greene in Charlestown at the beginning of the last winter, and they asked said Greene to let them have his boat and

†Autograph.

Mr. Jacob Greene v. John Bryars. Debt. Verdict for plaintiff.\*

Mr. Oliver Purchass, attorney or agent to the owners of the Iron works v. Joseph Armitage. For withholding rent due for a parcel of land.

Mr. Oliver Purchass, attorney or agent to the owners of the Iron works v. Joseph Armitage. For breach of covenant.

Mr. Oliver Purchass, attorney or agent to the owners of the Iron works v. Joseph Armitage. Debt.

Joseph Armitage v. Mr. Oliver Purchass, agent to the Iron

set them out to Gloster for the winter fishing. Greene replied that if they would let him have all the fish, he would consent, which they did. Greene delivered them salt, corn, bread, lines, hooks, and three barrels of meat, which amounted to about 40li. sterling. Wit: Rouland (his mark) Powell and Isabell (her mark) Powell. Sworn in court.

Robert Elwell testified that Jacob Greene gave him notice that the fish was to be brought fresh to the stage and it was to be the property of said Greene, and, at the latter's suggestion, deponent bought the men a net, etc. Sworn in court.

Marey Peacocke, aged about twenty-two years, deposed that about the middle of the eighth month last past, she heard the bargain concluded at Charles Towne, etc. Sworn, June 23, 1662, before Richard Russell.†

Samuell Peacocke, aged about twenty-three years, deposed the same as his wife, Marey. Sworn, June 23, 1662, before Richard Russell.†

Richard Price, aged about twenty-nine years, and Joseph Bartholmew, aged twenty-four years, testified that they heard Jonas Moore say at Gloster that the men had nothing to do with the fish after it was landed at the stage, etc. Sworn, 23: 4: 1662, before Richard Parker, † commissioner.

\*Writ, dated 18: 4: 1662, signed by Edward Burt, † for the court, and served by Thomas (his mark) Judgkin, constable of Gloster, by attachment of defendant's house and land and fish at the stage.

John (his mark) Briers, on Aug. 16, 1660, acknowledged a debt of 94li. 10 1-2d. sterling, to Jacob Greene of Charles Towne, to be paid in mackerel and dry fish. Said Brier's dwelling house and land, that he bought of Goodman Rider in Gloster, was given as security. Wit: Samuell Hosier † and Marey (her mark) Bruer (also Beaver, alias Pecoek), who made oath, 23: 4: 1662, before Richard Russell. †

†Autograph.

works. For 104li., which was due for about 520 loads of coal, according to covenant.

The four foregoing actions were referred to Capt. Thomas Marshall, Mr. Thaddeus Riddan and Ens. Fuller, who were to make return to the court on or before 10: 5: 1662.

John Russ, sr., and wife Margeret v. John Godfery. Defamation or slander. Withdrawn.\*

Henry Wattson v. Capt. Tho. Barnerd and the ship Ann. Debt. Withdrawn.†

John Howard v. Capt. Tho. Barnerd and the ship Ann. Debt. Withdrawn.†

William Liddell v. Capt. Tho. Barnerd and the ship Ann. Debt. Withdrawn.†

Thomas Chandler v. Job Tyler. For taking away his apprentice Hope Tyler, and detaining him out of his service. Verdict for plaintiff, the boy to be restored to his master.‡

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\*Writ, dated May 23, 1662, signed by Edmond Fawkner,§ for the court, and served by Robert Lord,§ marshal of Ipswich, by attachment of a bed, rug, musket and sword and a batch of small things at defendant's house.

John Godfrey's bill of charge, a day's journey going from Ipswich to Andover and a day coming back to summon witnesses, etc., 2li. 11s.

†Writs: Henry Watson, John Howard, William Liddell, William King, Tho. Bamer, Elias Slew, Walter Colson, James Major, John Johnson, William Hascoll, Wm. Haverock, Tho. Huchesson, and Ankias Horsman v. The ship Ann, now riding in Marblehead harbor, under command of Capt. Tho. Barnard; debt, for wages due for nine months sailing in said ship; dated June 18, 1662; signed by Hillyard Veren,§ for the court; and served by Samuell Archard,§ marshal of Salem, by attachment of the ship Ann.

‡Writ, dated June 15, 1662, signed by Daniel Denison,§ for the court, and served by Robert Lord,§ marshal of Ipswich, by attachment of a calf and six swine of defendant.

Search warrant, dated June 23, 1662, issued by Daniel Denison,§ to the constables of Ipswich or Wenham, for the apprehension of "Hope Tiler a youth of about 13 yeares of age, who is run away from his M<sup>r</sup> Thomas Chandler of Andouer who as I am informed is entertained by Richard Coy," and to bring him to the court at Salem, if sitting, or before said Denison to be proceeded with according to law. Theophilus Wilson,§ constable of Ipswich, on June 23, 1662, appointed Robert Lord, sr., his deputy.

§Antograph.

John Reddington v. Mr. Symond Bradstreete. Review of an action tried last Ipswich court, by Mr. Samuel Bradstreete, attor-

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Thomas Chandler's bill of charges, 3li. 7s.

Nathan Parker, aged about forty years, testified that about four years since, Job Tiler and Thomas Chandler desired deponent to make a writing to bind Hope Tiler, son of Job, apprentice to Thomas Chandler, which he did according to his best skill. This writing, Mr. Bradstreet afterward saw and perused and adjudged it to be good and firm. The term of years mentioned was nine years and a half and said Chandler was to teach him the trade of a blacksmith, to read the Bible and to write so far as to be able to keep a book so as to serve his turn or to keep a book for his trade, and to allow him meat, drink, washing, lodging and clothes. Deponent was to keep said writing safely, which he did for about three years, and Job Tiler often asked deponent to let him have it, but he refused, because it was agreed by both parties that deponent should keep it. Finally Moses Tiler came with John Godfrey to deponent's house, as his maid servant and children told him, when deponent, his wife and his maid were not in the house, and sent the elder of the children out of doors. As the younger child told deponent when he returned, they took the writing down, which he had stuck up between the joists and the boards of the chamber, and the child thought they burned it in the fire. And when deponent returned, he feared the writing was lost, because he certainly knew it to have been there when he went out of the house about an hour or two before, as he had taken it from his pocket when he came from Mr. Bradstreete's. He had also warned his children not to meddle with it, which he verily believed they could not, for he himself was forced to stand up in a chair to raise up the board to put it under. The elder boy before he was sent out of doors by said Moses, saw said Tiler and Godfrey look up to the place where the writing stuck and he told them that they must not meddle with the writing for their father had charged them not to do so. Deponent had never seen the writing since, and asking said Tiler and Godfrey for it, they did not deny that they had taken it down, but said they did not have it and did not know where it was, etc. Sworn, June 16, 1662, before Daniel Denison.\*

Georg Abbott, aged about fifty years, deposed. Sworn in court.

William Balard, aged about forty-five years, deposed that about six weeks since, the house of Job Tyler being burned, he gave said Tyler's wife leave to come with her family for a time and live at his house. Her husband at that time was not at home. She accordingly did so and there remained to this date.

John Godfre deposed that he saw Moses Tyler, Goodwife Tyler being there also, take down the indenture in Nathan Parker's

\*Autograph.

ney to Mr. Symond Bradstreete, about a parcel of land lying in Topsfield. Verdict for defendant.\*

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house. Deponent went with them to their farm, and Moses said to him, "Godfre I haue got my Brothers indentuers and nowe lat Chandler dou what he can wee will take away hope frome him and that night I see the indentner by moes burned in the sight of his father and then he said now father you may take away hop when you will from Chandler and lat him proue a righting if he can and thay gratly Tryemped." Sworn in court.

\*Writ, dated June 13, 1662, signed by Robert Lord,† for the court, and served by Tho. Chandler,† constable of Andover, by attachment of house of defendant.

Samuel Bradstreet's bill of charges, 15s. 6d.

Copy taken out of Ipswich town book, Mar. 13, 1661, by Robert Lord, clerk: Granted at a general meeting, 7: 12: 1639, to Mr. William Paine, 260 acres in exchange for 200 acres which lay on the south side of the river, to be laid out by Goodman Dorman and the lot layers, and in case there be overplus in the place formerly viewed adjoining to Mr. Symonds, Mr. Whittingham, Mr. Bradstreet and "my owne which I bought," he was to leave it between Mr. Bradstreet and himself, and a way of six rods broad to lead frrom Mr. Bradstreet's into common near Mr. Whittingham's farm. Copied from the original on file among the records of Ipswich court, June 19, 1662, by Robert Lord,† cleric.

Copies of grants to Mr. Bradstreet and Mr. Paine, taken from the files of the last Ipswich court, by Robert Lord,† cleric.

Granted to Mr. William Paine about ten acres of land, joining to his marsh bought of Mr. Dillingham, having the land of John Catcham on the east and the marsh of Thomas Scott on the south. Also twenty-five acres beyond Muddy river, bounded by Muddy river on the south-east and by a grindell that runs into Muddy river, and so to the corner of the rails on the southwest, having the common on the northwest and the highway that leads to Rowley on the northeast. Also a farm at New Meddowes, one part of it lying beyond the farm granted to John Webster, having a swamp on the north, a brook on the northwest, the river on the south, and part of the meadow lying on the south side of the river. Copy from the town book of Ipswich of the first part of Mr. William Paine's grants, which were not copied out for the last Ipswich court, made June 19, 1662, by Robert Lord,† cleric.

Copy of judgment of Ipswich court in action of Mr. Simon Bradstreet v. John Redington, made by Robert Lord,† cleric.

Copies of depositions of John Wilde, Ensign Howlett and Corp. Gage, taken from last Ipswich court files, by Robert Lord,† cleric.

Frances Pabody, aged about fifty years, deposed that he helped

†Autograph.

to run the line between Mr. Whittingham's farm and Mr. William Payne's ground, now in possession of John Ridington, and they began at the marked tree at the northwest corner of the farm and ran to another marked tree, said to be the northeast corner of Mr. Whittingham's four hundred acres last laid out, about sixty poles, then turned on a square and measured about eighteen or twenty rods to a tree that was called Mr. Bradstreet's bound tree. "this Eightene or twenti Rod that is mencioned John Ridington leaues out about sixtie Rod from the plac we mesered Roning to ward the darke swamp as will apeare as I reson by a draft in a paper which he showed me and saith he will giue in to Cort." Sworn, 24 : 4 : 1662, before Samuel Symonds.\*

Abraham Redington deposed that when he went up with Mr. Bradstreet to hire his farm, being together near the cowpen brook, Mr. Bradstreet told deponent that his land went sixteen rods toward Mr. Whittingham's farm, understanding the sixteen rods to be no part of his first grant. He also told deponent that all that meadow from the cowpen brook, which lay on that side of the way toward the dark swamp, as now it is called, was Mr. William Paine's. Deponent also testified that there was a strip of land or a highway by Mr. Whittingham's line and Mr. Paine's, almost to the dark swamp, and thence the highway leads to the common over some part of Mr. Whittingham's land. Also, a parcel of land was laid out to Mr. Bradstreet, joining to Mussye's meadow, which Mr. Bradstreet bought of Goodman Mussye, up to the corner of the farm by the cowpen brook, which was part of Mr. Paine's land which Mr. Bradstreet had in exchange for land Mr. Bradstreet parted with to Mr. Rogers. Also, Ensigne Howlett told deponent that Mr. Whittingham's line of his four hundred acres held the same line to the river. Sworn, June 19, 1662, before Samuel Symonds.\*

Thomas Perkins, sr., deposed that he was present at the running of the line. They began at the corner tree next the common and ran down to the dark swamp about four-score rods and so to the other corner tree about eight score, and so on upon the same line until they came to Mr. Bradstreet's bound tree about sixty rods more, which is eighteen or twenty rods wide of the line as it is drawn out in the paper by John Redington, etc. Sworn, 21 : 4 : 1662, before Samuel Symonds.\*

Robert Lord,\* cleric, certified, June 19, 1662, that he searched the town book of Ipswich at the desire of John Redington, and he found that Mr. Bradstreet's grant of a strip of land was written in order after the grant to Mr. William Payne, and in not the same hand, without date, and with other grants between.

Zacheus Gould deposed that several years since, the town of Ipswich desired to exchange some land with Mr. Brodstreat for Mr. Rogers, which Mr. Brodstreat agreed to, if Mr. Willyam Payne

\*Autograph.

William Edmonds v. Benjamin Kimboll. Debt. Withdrawn.\*

John Devorix v. Cristopher Nicholson. Trespass. For pulling down the fence of said Devorix and laying open his ground to the common.†

would let him have land of his which lay near, to which Mr. Payne agreed. In sine Howlet, Corporal Grig, old John Perkins and deponent were appointed to lay it out on both sides. They laid out to Mr. Brodstreet one parcel of Mr. Payne's land, which lay by a brook called the Mile brook, which is near Topsfield, on one side of it and a meadow called the hasacke meadow on the other side of it, and Mr. Brodstreat's land elsewhere. They laid out another parcel on the other side of the brook of Mr. Payne's land to Mr. Brodstret, which land joined the land of the latter. Further deponent testified that a little before the last Ipswich court, he was at John Redingtones house and the latter and Ensign Howlet were speaking of the coming suit and Howlet told Redington that he must be a witness against him for he could testify that Mr. Brodstreet had a strip of land granted to him thereabouts. Deponent asked Howlet if he could tell where it lay, and he replied that he could not, but he had heard some say that it went to an old tree in a place called "durty medo," and he did not know whether any of the land granted Mr. Brodstreat was within John Ridington's fence. Sworn, 21 : 4 : 1662, before Samuel Symonds.‡

\*Writ : William Edmons v. Benjamen Kimball ; for not delivering a mare colt which was delivered to defendant to keep for plaintiff about three years since, which colt he had received of Henery Green of Hampton ; dated Apr. 14, 1662 ; signed by Samuell Dalton, † for the court, and served by Jon. Clough constable of Salisbury.

†Writ, dated May 15, 1662, signed by Hillyard Veren, † for the court, and served by John Legg, † constable of Marblehead. Bond of Christopher Nickelson, † witnessed by Francis Johnson. †

Bill of charges, 1li. 10s.

John Bartoll, † John Peach, † John Peach † and Willia. Charles, † arbitrators in this action, concerning pulling down a small parcel of fence standing, as Jo. Devorix pretended, upon that parcel of rocks which the selectmen gave him, reported as follows : " Trueth it is we gaue him a quarter of an Acre of land which the s<sup>d</sup> pretended Fence w<sup>ch</sup> is yet at the Commoners pleasure for limitation for it was neuer bounded out by any, & therefore we conceiue it is no matter of Trespasse because the s<sup>d</sup> Jo devorix was not to ympeade any neighbour of free Ingresse & regresse To or from the waters side, we used all means we could that so this Court might not be troubled to psuade unto Arbitration w<sup>ch</sup> being Assented unto The men chosen met there could be nothing done unlesse the s<sup>d</sup> Jo.

†Autograph.

Mr. Georg Corwin v. John Godfery. Replevin. For distraining two oxen and a cow. Jury reported that if the conveyance of the

deuorix might be Judge in the case w<sup>ch</sup> was refused to be Assented unto."

John Peach,\* John Bartoll,\* John Clemants\* and John (his mark) Legg, the major part of the selectmen of Marblehead, "Upon the 4<sup>th</sup> day of June in this p<sup>re</sup>sent yeare 60 do freely grant and bequeath (diuers Consideracons mouing us thereunto) on smale poell of Rockes adiacont to a stage of his newly erected unto John deuorix his heires and Assignes for euer, hauing full power to act by generall consent of the towne who gaue us fule power to agitate the Towne affaires Uppon the 5<sup>th</sup> of Janaery w<sup>th</sup>out limitation. These rockes being by estimacion on quarter of an acre The s<sup>t</sup> rockes lying betwixt the purchased land of Jo. deuorix on the south-west & the land of Will nickes on the northeast."

James Brading, aged about twenty-nine years, deposed that he had occasion to be at Marble Head often in the past two years and a half, and often went on the land and over the fence, which fence always stood where it did until pulled down. Sworn in court.

Mary Clarke, aged about twenty-nine years, deposed that the first year the stage was built, her husband worked with John Deveriks about the fish. The fence was then set up, and has ever stood until now. Since that time, her husband had made winter voyages. Sworn in court.

William Reymer, aged about thirty-five years, deposed that John Devereux, when he went to the eastward, left the charge of his stage, housing and blubber casks to deponent, who was very careful until the beginning or the middle of May. Then Christopher Nicholson pulled down the fence, of which deponent was an eye witness, to his great trouble, for he was fain to watch early and late, to the loss of said Devereux two butts, two hogsheads, half or three-quarters of a barrel of oil, besides other materials, as flakes, all being laid common. Said Deuueuxes wife was constrained to send her man with some fence of her own, which fence deponent saw after it was set up. Sworn in court.

Robert Paty, aged about twenty-three years, deposed that about the beginning of May last, Christopher Nicholson pulled down eight or ten poles of his master's fence at the stage. "My master being not at home my dame went to y<sup>e</sup> select men, who ordered her that her man should set it up againe, & when he had almost set it up, to one panell of railles, y<sup>e</sup> | said | Christopher came & puld it downe againe, & bad me, go home & tell my dame y<sup>t</sup> what he had done he would answer it, & if I did set it up neuer so often, he would pull it downe, if it cost him a hundred pound then I gaue him charge of y<sup>e</sup> fence to looke after it, being my master's goods, then I went to

\*Autograph.



cattle to Mr. Corwin by Job Tyler was legal, they found for the plaintiff, if not, for the defendant. Court adjudged the conveyance not legal.\*

Tho. Chubb v. Tho. Tuck. Withdrawn.†

John Godfery v. John Carr. Battery. Nonsuited, the defendant being not legally summoned.‡

John Godfery v. Job. Tyler. Debt. Verdict for defendant. Court did not consent to this verdict.§

y<sup>e</sup> selectmen & they wisht me to sett it up where it was before & take wittnes with me our neighbours being then disturbed & in an uprore, my dame orderd me to pull downe our orchard fence 9 or ten panell of rails to secure their Corne, which we need not else to haue done. this being in planting tyme in y<sup>e</sup> midst of our busines." Owned in court, July 7, 1661, by defendant.

\*Writ of replevin, dated June 16, 1662, signed by Hillyard Veren,|| for the court, and served by Thomas Chandler,|| constable of Andover. Bond of George Corwin,|| witnessed by Hillyard Veren.||

William Ballerd, aged about forty-five years, deposed that the two oxen and one cow of Job Tiler upon which John Godfree levied his execution, said Tiler told deponent were the same that he had made over to Mr. George Corwin. Sworn in court.

Moses Tiller, son of Jacob, deposed. Sworn in court.

Bond, dated May 6, 1662, Job Tiler¶ to George Corwin, merchant, of Salem, for debt of forty pounds. Tiler gave two oxen, two cows and a heifer on his farm at his dwelling house in Andover, also twenty-five acres planted with corn, as security. Wit: Tho. Dean|| and Samuell Bosworth.||

†Writ: Thomas Chubb v. Thomas Tuck; for a cow of his that was lost, and which went with the herd under charge of said Tucker, the herd being neglected; dated May 21, 1662; signed by Hillyard Veren,|| for the court; and served by Benjamin Balch,|| constable of Salem.

‡Writ: John Godfrey v. John Carr; for battery, assaulting him and abusing him by calling him rogue and witching rogue and threatening to beat him; dated May 23, 1662; signed by Daniel Denison,|| for the court; and served by Thomas Chandler,|| constable of Andover, by attachment of two young cattle of John Carr.

Bill of charges, lli. 18s. 4d.

§Writ, dated Mar. 31, 1662, signed by Daniel Denison,|| for the court, and served by Thomas Chandler,|| constable of Andover, who committed defendant to the keeper of Ipswich prison.

||Autograph.

¶Autograph and seal.

John Godfery v. Richard Ormsby. Debt. Verdict for plaintiff, his bill of 440 bushels of wheat, 60 bushels of rye and 54 bushels of Indian corn.\*

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Copy of Ipswich court record of Mar. 25, 1662, in action of Job Tiler v. John Godfry, made by Robert Lord,† cleric.

Thomas Chanler testified that "I going to Jobe Tylers hous to sarve an attachment I did tacked John Godfry with mee & when I Came to the sd tilars house John Care being there said what Come you heather for godfry you wiching roge I will sd John Care set you out of dores this deponant sd to the sd Care let John godfry alone the sd Care said he would not: but said what had you to doe to brieng such a roge with you: & the sd Car immedatly run his fist in the sd godfrys brest & droue the sd godfry up against the Chemne stocke which was veary Rugged then I Charged the sd Care to be quiat and let John Godfry alon but the sd Care sd he would turne the sd godfry out of dores and kicke hime downe the hill and againe this deponant Charged the sd Car to let the sd godfry alone and soe Care did forbar and Caled the sd godfry many bad names." Sworn in court.

Mary Titcom, aged eighteen years, deposed that John Godfry and Job Tiler being at her master Somerby's house, she witnessed the bond, etc., and the first payment was to be made the first day of March last past. Anthony Somerby† testified the same. Sworn, Apr. 28, 1662, before Daniel Denison.†

Anthony Somerby† testified that the mistake in date on the bond, which should have been 1661 instead of 1662, was his error, and the first payment of four score and one bushel and a half of wheat was due on Mar. 1 last past. Sworn, June 26, 1662, before Samuel Symonds† and Edward Woodman.†

Bond, dated Mar. 26, 1660, Job Tiler‡ of Andover to John Godfry, for eighty-one and a half bushels of wheat, to be paid on Mar. 1, 1662, at the now dwelling house of said Tiler in Andover. Tiler gave his dwelling house and land in Andover as security. Wit: Mary Titcome‡ and Anthony Somerby.†

\*Writ, dated Apr. 1, 1662, signed by Anthony Somerby,† for the court, and served by Joseph French,† constable of Salisbury, who appointed Andrew Greely his deputy to carry Richard Ormsby to prison.

Richard Ormsby presented these considerations to the honored court: When the bond was made, the land was bound only to pay the debt if the corn failed, but Godfery had offered it for sale and some had come to see it, saying they were to plant it, whereupon he had been kept from planting about fourteen or fifteen acres, which would be to his great loss if the bond held good; the land was of considerable value and as to the payment of the just debt,

†Antograph.

Job Tyler v. Samuel Archard and Thomas Chandler, his deputy. For not returning an execution as the law requires. Verdict for plaintiff. Court did not consent to this verdict.\*

he had offered him ten pounds more; that he had parted with what he and his family should have lived on, and had not left enough land in which to bury himself.

Tho. Bradbury,† recorder, certified that Jno. Severans, in the presence of the county court at Salisbury, 8: 2: 1662, tendered, in behalf of Richard Ormsby, very good English goods to satisfy Jno. Godfrey the sum of ten pounds.

John Ormsby, aged about twenty years, deposed that he heard John Godfrey say on Apr. 3 that he would go after deponent's father after he had sent him to prison, and if he would give Godfrey ten pounds more than the land, he would give him his bond, etc. Sworn, 12: 2: 1662, before Tho. Wiggin. Copy made by Tho. Bradbury,† recorder.

Andrew Greeley deposed that Goodman Ormsbie gave Godfrey possession of the house, etc., at deponent's house. Sworn in Salisbury court, 8: 2: 1662, before Tho. Bradbury,† recorder. Copy made by Tho. Bradbury.†

\*Writ, dated June 10, 1662, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal, by attachment of the house and land of Thomas Chandler.

Execution, dated 18: 11: 1661, against Job Tyler of Andevor, signed by Hillyard Veren,† clericus, and served by Thomas Chandler,† whom Samll. Archard appointed as his deputy, by attachment of cattle. Copy made by Hillyard Veren,† clericus.

John Gell, aged about forty years, and John Ormsby, aged about twenty-one years, deposed that the land was delivered to John Godfery, etc. Sworn, 23: 4: 1662, before Elea. Lusher.†

Joseph Fletcher, aged twenty-six years, Jno. True, aged about seventeen years, and Henry True, aged about fourteen or fifteen years, deposed. Sworn in Salisbury court. Copy made by Tho. Bradbury,† recorder.

Bond, dated Feb. 25, 1658, Richard Ormesby† of Salsbury to John Godfry, for 440 bushels of wheat, 60 bushels of rye and 54 bushels of Indian corn, to be paid on Mar. 1, 1661, at said Ormesby's now dwelling house in Salsbury. Land in Salsbury given as security. Wit: Anthony Somerby† and Isack Tappen.† Anthony Somerby† made oath, June 26, 1662, before Samuel Symonds† and Edward Woodman.†

John (his mark) Godfry, in case of his death before the expiration of the bond, assigned the bond to Jacob Ormsby, son of said Richard Ormsby. Wit: Anthony Somerby† and Isack Tappen.†

†Antograph.

‡Antograph and seal.

John Carr v. John Godfrey. Defamation or slander. Non-suited.\*

William Ballard, aged about forty-five years, deposed that on May 19th last the constable went to deponent's house, to serve some executions for Godfre upon Job Tyler's cattle, which were kept there. After him came Moses Tyler and Carr, the latter saying to the constable, "I charge you medell not with them two oxen, for I will take my oath thay are mine for three months agoe under hand and sale and I will bring others to sware to it besids my salfe." Thomas Chandler testified to the same. Sworn in court.

George Abbott, aged about fifty years, deposed that Moses Tyler told him that they went for a little hay, and in coming home the ox was so tired that he thought he would have died, but they afterward got him home. Sworn in court.

Mark Graves, aged about thirty-nine years, deposed that Thomas Chandler said that he had four executions of Godfrie's to levy, three of them coming from Mr. Denison. Sworn, June 16, 1662, before Daniel Denison.†

Robert Lord, marshal, deposed that Thomas Chandler told him that he had served an execution for John Godfry upon two oxen of Job Tyler's, and that both parties agreed to leave it to him to appraise them, which he did at twelve pounds, etc. Sworn, June 23, 1662, before Daniel Denison.†

William Ballard deposed that the cattle were in good condition until the execution was levied upon them, etc. Sworn in court.

Thomas Johnson, aged about twenty-eight years, deposed. Sworn in court.

Marget Ruse deposed that John Godfry told her that he was to have a pair of oxen upon execution from Job Tyler and asked her if she would not keep the oxen for him and let them go upon the common with their cattle. She told him that they could not live upon the common and he replied that he would get a load of hay of Seargant Osgood or somebody. Godfry further said that he would sell them the oxen and if they would fatten them and kill them, he would take Indian corn or whatever pay he could get for them. Deponent told him that she would speak to her husband about it. Sworn, June 16, 1662, before Daniel Denison.†

Mary Tyler, aged about eighteen years, deposed. Sworn, June 16, 1662, before Daniel Denison.†

\*Summons, dated June 16, 1662, to John Godfry, signed by Edmond Fawkner,† for the court, and served by John Carr,† constable. Wit: Margit (her mark) Rous. Copy made by Ed. Fawkner.†

John Godfre's bill of charges, 2li. 1s., in Carr's action, and 2li. 17s., in Tyler's actions.

†Autograph.

Job Tyler v. John Godfery. Nonsuited.

Job Tyler v. John Godfery. Nonsuited.

The court granted administration of the estate of Isaak Wakly, deceased, to Thomas Very, the inventory of this estate having been brought into the last Ipswich court, and he was to dispose of the estate for the discharging of all just debts.

John Tarbox and Allen Bread were sworn constables of Lynn for the ensuing year.

William Bennett was sworn constable of Manchester for the ensuing year.

Mathew Farrington was sworn clerk of the train band for Linn.

Mr. Frances Johnson had his license renewed for selling strong water at retail out of doors, provided he be governed by the restrictions made by the last Ipswich court in such cases.

Mr. John Gifford's petition was referred to the General Court.\*

William Edmonds had his license renewed for keeping an ordinary.

John Selare was licensed to sell strong water in his house until he sold what he had on hand, provided he buy no more.

Jonas Moore acknowledged judgment to Mr. Peeter Duncan.

Joshua Ray was appointed administrator of the estate of Dan-yell Ray, deceased, who died intestate, but his mind being understood and his children agreeing thereto, they drew up a writing about the division of part of the estate, as land, etc., leaving the other part to the court's ordering. The court approved the writing,† and concerning the other part of the estate, Joshua Ray, son of the deceased, was to have 25li. and Capt. Tho. Lothrop, said Daniel's son-in-law, was to have all the rest of the estate, provided he keep and maintain his mother, the widow, during her life.

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\*John Gifford's petition: That in the year 1658, there was a verdict of 500li. returned for him in Salem court, in a suit against Mr. Henry Webb of Boston, to which the magistrates did not assent, and it was carried to the General Court; that said Gifford was called to England, and although he had entreated Maj. Hawthorn to appear for him at the General Court, nothing had been done; said petitioner asked that he be granted execution against said Webb's estate, or in some other way be given his just due.

†The following paper was proved as the will of Daniel Rea of Salem, 24: 4: 1662: "Whereas there hath been a Will begun to

John Steevens, dying intestate, his widow, Eliza Steevens, was

be made by Daniell Rea of Salem, lately deceased, but he not being able to finish it, whereby great inconvenience is like to arise to his Children, if it be left as it is, Wee therefore whose names are vnderwritten, takeing it into our Consideration, haue made this our Joynt Conclusion & Agreement (if the Hono<sup>d</sup> Court ¶ now Assembled ¶ please to Accept of, & Confirme the same) in Manner as followeth. First, that his sonne Joshua Rea shall have y<sup>o</sup> Improuement of the whole farme, where he lives, & when his sonne Daniel is growne vp to y<sup>o</sup> Age of Twenty one yeares, he shall have halfe y<sup>o</sup> farme, & his father to have y<sup>o</sup> other halfe, dureing y<sup>o</sup> terme of his owne life, & also of his wifes widdowhood, in Case she should outlive him, & then that halfe also to be his sonne Daniels, & so y<sup>o</sup> said Daniel then to haue y<sup>o</sup> whole farme, which is y<sup>o</sup> proper Will of y<sup>o</sup> Testator.

Secondly, that y<sup>o</sup> said Joshua Rea shall haue the vse & improvement of the seventeene Acres of land, lying on Salem North River, vntill his two daughters, Rebecca & Sarah, exprest in y<sup>o</sup> will, shall attaine to y<sup>o</sup> age of sixteene yeares, & then they to haue y<sup>o</sup> land with y<sup>o</sup> improvement of y<sup>o</sup> same equally divided betwixt them. Thirdly that y<sup>o</sup> said Joshua Rea, shall have also the one Acre & halfe on the South Rivers side in Salem, as his proper right, to dispose of as he shall see cause. Fourthly, that his sonne Thomas Lothrop, & his wife, shall haue the Farme, Comonly Called Capitaine Dampports farme, as their proper right, to dispose of, as they please, provided that the five pound, paid already by me to Capt. Dampport, in a Cowe, be allowed me out of y<sup>o</sup> other estate.

Fifthly that our Mother shall have y<sup>o</sup> Thirds, of all of this Estate, dureing her life. Lastly, for the rest of y<sup>o</sup> Estate, we leave it to the wisdom of the Honoured Court, to dispose of the same, as they shall thinke best, according to lawe. This about writing or agreement is by the Court allowed of & is to be as the Courts determination & ordering of the estate of Danyell Ray deceased being consented ¶ there ¶ to by y<sup>o</sup> children of y<sup>o</sup> deceased in Court at Salem 26 : 4<sup>mo</sup> 1662 atteste, Hillyard Verin Cleric :"

Inventory of the estate of Daniell Ray, appraised by John Porter\* and Jacob Barney,\* and proved, 26 : 4 : 1662 : His apparell, 7li. 11s. 10d. ; a feather bed, 2 bolsters and 3 pillowes, 4li. ; 2 Coverletts, 1li. ; 2 blanketts, 1li. 10s. ; 2 pillow beares, five sheets, 1li. 10s. ; a kettle with other small things, 2li. ; 2 dishes and a pinte pot, 8s. ; 2 Iron skilletts and a frying pan, 12s. ; a paire of pot hangings & a paire of Tonges, 10s. ; a paire of fetters, an axe, & a hatchet, with other things, 12s. 6d. ; a peecke, 3 traies & a platter, 4s. ; a paire of traisses & a halter, 2s. ; a winowing sheet & 4 sakes, 10s. ; 6li. of wooll, 6s. ; a saddle & pillion, 1li. ; a chest & a bedsted, 18s. ; a Chaire & 2 Joynt stooles, 4s. ; a paile with 2

\*Autograph.

appointed administratrix of the estate. An inventory\* amounting to 463li., 4s., was also allowed. Court ordered that John Steevens, son of the deceased, should have 74li. paid at demand, and Timothy, Nathan, Ephraim, Joseph, Benjamin and Mary, the other children, should have 37li. each paid at age or time of marriage, and the remainder of the estate to be at the disposal of the widow.

Mr. Riddan had his license renewed for selling strong water, provided he be governed by the restrictions made at the last Ipswich court in such cases.

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stooles, with other things, 2s. ; 3 yards & a halfe of Cloth, 1li. 15s. ; a mare & a Colt, 14li. ; a Cow & a Calfe, 5li. 16s. ; 6 sheepe, 2li. 8s. ; 17 acres of land in the north field, 25li. ; an acre & a halfe of salt marsh upon the South river, 5li. ; a farme of 160 acres of upland & 10 acres of meadow, 150li. ; debts due to the deceased, 14li. ; total, 239li. 19s. 4d.

\*Inventory of the estate of John Steevens of Andover, taken, Apr. 28, 1662, by Nicholas Noyes,† George Abboot, sr.,† Richard Barker† and Nathan Parker :† His wearing Apparrell, 10li. ; In the hall, two beds with there furniture, 15li. ; One Chest & foure boxes, 1li. ; Eight payre of sheets, foure Bolster cases and three payre of Pillow beeres, 7li. 10s. ; Three table cloaths, one dozen of Napkins, with other sleight things, 2li. 5s. ; in ye kitchin, one Brasse Pott, foure small Kettles, one Skillett, a Scummer & Warming pan, 2li. ; one Iron Pott, an iron posnett, two payre of pott-hooks, two trammells, a spitt, a payre of tonges & firepan, a payre of cob irons with a smoothing iron & a trivett, 1li. 10s. ; six peuter platters, two basens, two porrengers, foure drinken cupps, a salt sellar, a chamber pott, a dozen & halfe of spoones and a latten pan, 2li. 5s. ; A tableboard & forme, foure chayres, two cushens, two dozen of trenchers and halfe a dozen of dishes, 14s. ; a muskett, corslett & headpeece, a sword & cutlass & holbert, 2li. 5s. ; bible, with other books, 1li. ; In the Leanetoc, Barrells, wheelles, treyes, with other lumber, 2li. ; In the chamber, Bedding, 5li. ; wheate, twenty Bushells, Indian corne, ten Bushells, 6li. 10s. ; A bridle & sadle & pannell, 1li. ; two fitches of Bacon, 2li. ; Baggs, 1li. ; Flax & yarne, 5li. ; Old tubbs & other lumber, 10s. ; Sawes, axes, pronges, with other working tooles, 3li. ; Eight oxen, 51li. ; Six coves, 24li. ; a heifer & two yearlings, 6li. ; three calves, 1li. ; swine, 12li. ; A colt and an Asse, 4li. ; horse, 10li. ; three sheep, 1li. ; one stocke of bees, 10s. ; Carts, sleads, yoakes, chaines, plowes & plow irons, ropes and tackling to it, 6li. 2s. ; house, barnes, upland & meadow and corne upon ye ground, 200li. ; debts, 2li. The sequell of this inventory was given by the deceased to his eldest sonn John Steevens : A house, orchard and land, 50li. ;

†Autograph.

Mr. Gedney had his license renewed for selling strong water, with restrictions, so far as it concerned ordinary keepers.

Tho. Johnson was fined and bound to good behavior for misdemeanors and breach of the peace. John Johnson, surety.\*

one cow, two steers of two yeare old & a yearling, two swine and two sheepe, 15li.; All ye rights & priviledges that is to be granted by ye towne by virtue of twenty-five Acres of ground granted to mee, John Steevens; three acres of home meadow, 9li. "These testyfy y<sup>t</sup> I John Steevens doe accept of the above specified estate appointed mee of my father before his death in full satisfaction for my portion amounts to seaventy foure pound provided the honoured Court at Psalem shall see good to confirme it Wittnesse my hand John Steevens.† Total, 463li. 4s. Elizabeth Steevens, widow, made oath in court before Hillyard Veren,† cleric.

\*Summons, dated June 20, 1662, to Nicolas Rice, as a witness, signed by Daniel Denison.†

Christopher Ossgood's† complaint against Thomas Johnsun, carpenter, of Andover, "for abusing of my self and my mother in our own ground thus unjustly molesting of me at my work: The beginning of ye breach at y<sup>t</sup> that time was This I Christopher ossgood was at work in our own ground a weeding of our corn and Thomas Johnson ceam with violenc and ceacht the how and puld it out of my hands and Sayd young man what doe you doe with my how at which I replied and layd hold of it again: and tould him that the how was not his I said y<sup>t</sup> it was Sargent chandlars and I said That I would cary it home at night and if it was his how then he might have it: farther I tould him that if he would not molest me but let me weed out That Row to the end that I was about he should heve the how: Then Thomas Johnsun again Replied and tould me That I should not weed one hill more: Then I mead answer That he should not heve The how till sundown if he were so stout: at which Thomas Johnsun presantly layd hands on me and began to tear my shirt at which I mead answer that he had best for to tear my Shirt as he did the last week. whereupon Thomas Johnsun protested that he would tear it of from my back, and presently he layd hands on my Shirt and Rent it in Severell pleaces till he had torn it so much y<sup>t</sup> it would hardly hang upon my back till I got into the hous: as soone as he had thus dun he threw me down upon my back: and Thomas Johnsun got upon me and with his hand he pincht my throat and set his kne upon my belly Just below my chest: and there he did punch me as if he would beat The Breath out of my body at which goodman Rice ceam to us and said Thomas Johnsun I will not se Cristopher Ronged by you if I can help it: at which I entreated him to let Christopher Rise again: and at his words he did let him Rise: and

†Autograph.



John Godfery was allowed costs in an action brought by Job Tyler, the latter not appearing to prosecute.\*

Captayne Gerrish was confirmed captain of the Ipswich troop, having been chosen by the troop, and the court left it to him whether he would accept it or not.

Mr. Jonathan Wade was confirmed cornet of the Ipswich troop, having been chosen by the troop.

Mr. Tho. Andrewes was appointed administrator of the estate of John Andrews, deceased. An inventory† was also allowed, ex-

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when I was up I layd hould on ye how again and Then Thomas Johnson thinkeng privetly to doe me a mischief he ceacht hould on my rist and began to pinch me and to twist my rist round: whereupon I was forced to slack my hould or els he might have spoyled me: farther he kickt me onc or twice yet I was still forward to doe my work: and I did severell times pull the how out of Thomas Johnsun's hands, and as soone as I began to worke I was still molested by him and he would not sufer me to doe anything and both my mother and myself did forwarn him of our ground and bid him be gone out of our ground yet he refused to goe out of our ground but did question my mother whether it was her ground or no and he said that he would not goe out of y<sup>e</sup> ground for he said that he was about his buisines when he was often warned to be goone my mother said that she would meak him to answer for what he had dun: where upon he bade my mother hould her toung for he said that she was a preting oald foole: and then my mother tould him that thus was a curs pronouncet against him for Ronging of y<sup>e</sup> widdow and y<sup>e</sup> fatherles and that god would plead tharr caus: at which Thomas Johnsun Replied and y<sup>t</sup> in a scofing and in a jering way and said: aye: doe: trust to him Trust to him he will help you no questean. farther The said Thomas hath given out to me many thretning speeches: he vowed y<sup>t</sup> he would be The death of me thou he were hanged for it: and he Said y<sup>t</sup> he would be even w<sup>t</sup> me sometime or other; he said y<sup>t</sup> he would deall well anouf with me by these and other thretnings I doe goe in feare of my life." Sworn in court.

\*John Godfrye's bill of charges, 2li. 12s.

†Inventory of the estate of Corp<sup>ll</sup>. John Andrews, deceased, taken, May 23, 1662, by John Dowlettell, † John Hathorne † and Andrew Mansfeild: † One dwelling house, 150li.; tow barnes, 90li.; a bake house, 2li. 10s.; an orchard, 100li.; an hundred acres of upland and medow belonging to the farme, 590li.; one horse, 12li.; tow Cowes & tow caulfes, 12li.; one three yeare ould steere, 5li.; six sheepe & three lambs, 5li. 5s.; to forty acres of corne upon the ground, 40li.; one grinstone, 16s.; a tumbrill & a

‡Autograph.

cepting the farm and the crop upon the ground, which latter were referred to the next Ipswich court, partly because the farm was mortgaged and partly because of the failure of the crop by reason of the drought, and he was to provide for the widow and children until the court take further order.

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paire of Iron bound wheeles, 4li. ; a ladder, 10s. ; five swine, 6li. 5s. ; tow stocks of bees & tow swarmes, 2li. 10s. ; an Iron furnis, 3li. ; an Iron trumill, 7s. ; tow horse collers & trases, &c., 12s. ; five axes & a mathooke, 1li. 1s. ; tow howes & a spad, an ads & a frow, 13s. ; tow plowes with irons & a colter & sheare, 1li. 14s. ; three chaines, yoaks, chaine & bolts, 1li. 11s. 6d. ; a stone cart & sleid & a ould cart body & a dubble brake, 1li. 15s. ; three forks & a paire of fetters, 9s. In the kichin : Tenn ould pueter platters, quart potts & other ould pewter, 3li. 4s. ; half a dussen of ould spoones, tow old brass kittles & ould pott and a warmeing pan & a candle stick, 2li. 7s. 6d. ; Iron potts, one Iron kitle, one Iron skillett & other ould things, 1li. 15s. ; severall ould wooden things, 8s. ; severall augers, chissells & other ould Iron things, 2li. 5s. ; tow cross cut sawes, a paire of andirones & paire of tongs & slice, 1li. 9s. 6d. ; tow tramills, a gridiron, a spitt, a smoothing iron & a paire of sheirs, 15s. ; tow muscutts, a fouling peece & 2 paire of skeals & waites, 3li. 14s. 6d. ; a pike, tow chairs, & tow ould tubbs & 3 dussen of trenchers, 15s. ; a wollen wheele, 2 cans, glases & gally potts, 8s. ; a saddle, bridle, pistolls, holsters, belt & Cutlis & pillion, 5li. 5s. In the Parlor : Tow bedsteds, one fether bed, bolster, 2 pillows, a rug & curtaines, 6li. 10s. ; a trunk, 2 boxes, 2 chairs, one cubburd & cloath, 2li. 2s. ; table, 5 cushins & 5 chanye dishes, 1li. ; his wearing apparill, 5li. 10s. In the chamber over the chichin : 5 paire of sheets, 2 table cloaths, 12 napkins, 4 pillow beers & a chest, 6li. 7s. ; a bedsted, 2 flock beds, three pillos, one rug, one blankett, 3li. 10s. ; one table, tow wheels & other ould lumber, 1li. In the garret : Tow Cosletts & other ould lumber, 2li. ; on flock bed, bolster & 2 coverlids, 16s. ; a gun, 5s. ; in the seller, 2 barrills, 10s. ; beetle & wedges, 5s. ; total, 1083li. 19s. 6d. To halfe a barn at Ipswich, 6li. ; bed, 4li. 15s. ; 6 pewter dishes, 1li. 5s. 6d. ; flax, 4li. ; debts recoverable, 16li. 18s. 10d. Estate is debtor : To funeral charges, 2li. ; household expences, 2li. 11s. ; to ye honoured Mr. Simon Bradstreet, about 400li. ; other debt demanders, 314li. ; to an assurance, 40li. Sworn by Mr. Thomas Andrewes in Salem court.

The Cattle and moveables contained in ye Inventory of ye Estate of Corporal John Andrewes, which was presented to ye County Court held at Salem 26 : 4 : 1662, 127li. 9s. 6d. ; debts due to deceased, 40li. 11s. ; the Corne upon ye farme and other pduce, 30li. 19s. ; total, 198li. 19s. 6d. Out of which is to be deducted : Funeral Charges and expences before Salem court, 4li. 17s. 6d. ; fam-

Thomas Marshall had his former license renewed for the year ensuing.

Job Hilliard was allowed 3s. for two days' attendance at court, being attached to answer Ed. Wooland in an action which he did not prosecute.

There being some estate of John Pomery, late deceased, in the hands of the widow Browne of Gloster, the marshal of this court was ordered to dispose of it according to the court's order.

Mr. Peeter Duncan was licensed to sell strong water, according to the restrictions of the last Ipswich court, and he was cautioned that if he sold wine, he was to carefully avoid breach of the law upon his peril.

Joseph Daliver was complained of for suspicion of killing a horse or horses with his gun, and, by a special warrant, appeared before the court. Several witnesses gave in their evidence. Frances Linsford testified that he met said Daliver with a gun, and about half an hour after he heard a gun go off near where a horse was later found killed. Richd. Rowland testified that he accused said Daliver of killing his horse, and he answered that he did not care if they were all killed, and that it was no hanging matter to kill a horse. Tho. Todd testified that he met Daliver coming home with a gun the morning that the horse was killed. Court ordered that Daliver be committed to prison until the next Ipswich court, or else give bond to the value of 60li. for his appearance. Mr. George Corwin, surety.\*

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ily expences since, 15li. 16s. 11d.; Charges about ye Corne, 6li.; ye administrators own labor, time, charges, &c., 10li. Debts demanded and presented to Salem court and since examined, as opportunity would serve, 312li. 14s. 9d. The foregoing account was presented to court at Ipswich in Sept. last, and then omitted to be left on file. The court sitting in Salem, 2: 5: 1663, ordered it to be safely kept in the court records.

\*Summons, dated June 28, 1662, to Francis Linsford, Thomas Dodd and Richard Rowland, witnesses, signed by Francis Johnson,† for the court.

Bond of George Corwin.†

Warrant, to the constable of Marblehead, dated 24: 4: 1662, for Joseph Daliber to appear before a magistrate for examination in the matter of the two or three horses which were lately found dead upon the commons of Marblehead, with small shot in the bowels of one of them, signed by Ri. Bellingham,† Dept. Govr.

†Autograph.

Lott Connant and Rich. Rowland were bound to prosecute a complaint against Joseph Daliver at the next Ipswich court.

Sara Joanes was ordered to be severely whipped for uncleanness.\*

Mr. Henry Bartholomew was licensed to sell strong water at retail, with restrictions made at the last Ipswich court.

The bond of John Carr and Mr. Crosby, for said Carr's good behavior, was continued, and the former bond was declared forfeited. He was ordered to be severely whipped for stealing, etc., and several witnesses were to be paid out of the bond forfeited, to Samll. Archerd, jr., 6s., John Godfery, 6s., Tho. Chandler, 6s., wife of Tho. Johnson, 8s., and to pay the Indian 10s. for his trap lines, the constable for whipping, 5s., and for a man to keep him, 12d.†

\*John Feillbroocke deposed that he was at John Sanburne's wedding, it being a very wet time, and he went out of doors and saw Francis Swayne and Goodwife Joanes go into a little house that stood alone from the other house, where there was no light. Copy made by Humphery Humber.‡

†Summons, dated June 18, 1662, to the wife of John Ossgood and the wife of Thomas Johnson, as witnesses, signed by Robert Lord,‡ for the court, and served by Thomas Chandler,‡ constable of Andover.

John Ossgood‡ wrote to the court that his wife, being summoned as a witness, could not appear on account of her having a young child to care for and not being able to make the journey. All she could testify was that it was her husband's handkerchief that was found at Tho. Johnson's.

Mary Johnson deposed that the handkerchief that Steeven Osgood owned to be his, John Carr brought to her to wash for him with the rest of his handkerchiefs. Sworn, June 27, 1662, before Daniel Denison.‡

Hana Archard, aged twenty years, deposed that "about June last John Carr comeing to my house & lying there, there being a batten handkercheef of my husbands, lying by ye sayd John Carr in ye su— could not be found afterwards, about three months after going with my husband to Andever & being at my Brother Ingols his house, ye Said John Carr comes in to the house, with the handkercheef about his neck to the best of my app<sup>r</sup>hensions, being very well to be known at som distance, y<sup>t</sup> sort of buttons being soe different from almost any other y<sup>t</sup> euer I saw: & as y<sup>e</sup> s<sup>d</sup> Carr came in & seeing of my husband & my selfe there, I meadiatly turned his body a little about & with his hand opened y<sup>e</sup> collar of his doblett & thrust the buttens of y<sup>e</sup> handkercheef within his dob-

‡Autograph.

Court appointed Mr. George Corwin to be in chief command of the troop at Salem, and for what further may be desired, this court, being not in capacity, referred it to the General Court.

Returns of the juries of inquest upon the death of John Balch,\* on Mr. Samll. Beadle's child and on Mr. Henry Bartholmew's negro† were received.

Mary, widow of John Balch, late deceased, was appointed administratrix of his estate, and an inventory,‡ amounting to 159li.

lett, afterwards I asked of him to see the handkercheef & said it was one I lost when he was at my house — & denied & sayd it was not & refused to lett me see — & p<sup>r</sup>esently turned about & went awaie." Sworn in Ipswich court by Samuell Archard, jr., Apr. 17, 1662, before Robert Lord,§ cleric. Sworn in Salem court by Hana Archard, 26 : 4 : 1662, before Hilliard Veren,§ cleric.

Copy of Ipswich court record of Mar. 25 and Apr. 17, 1662, made by Robert Lord,§ cleric.

\*Henry Bartholmew,§ Jefferie Massey,§ Richard Prince,§ Hilliard Veren,§ Thomas Cromwell,§ Isack Wilyams,§ Zabulon Hill,§ William Curtis,§ John Hill,§ John Knight,§ Samuell Archer§ and Thomas Robins,§ a jury of inquest warned by the constable of Salem, reported, 16 : 11 : 1661, that "sd Balch beinge constraigned to leaue the Canow in which he was bound over the riuer at Salem ferrie, by reason of the violence of the winde and waue and indeauringe to returne againe to the shore died by the extremitie of the cold with the violence of the winde and rage of the sea and soe perished in the water." Sworn, 16 : 11 : 1661, before Edm. Batter,§ commissioner and cleric.

†John Browne,§ Richard Prince,§ Walter Price,§ John Gedney,§ Danil Rumbel,§ John Gardner,§ William Woodcocke,§ Nicolas Potter,§ Thomas [Cromwell?],§ Joseph Gardner,§ Robert Gray§ and Hilliard Veren,§ a jury of inquest appointed upon the death of one John, a negro of Mr. Henry Bartholomew, reported, 23 : 10 : 1661, that they had "viewed the place wheare the neagroe was found lying & a gun lying by him, & heard the relation of seuerall wittnesses, that were called, before he was quite dead, & veiwing his body & finding where the shot went in to his body being about or Just beneath his short ribs one his leaft side, & came pt<sup>v</sup> through about his shoulder blad behind, and being all agreed in our app<sup>h</sup>entions, doe Judg according to our best app<sup>h</sup>ention, that he did willingly contrive & was y<sup>e</sup> only acter in his owne death by shooting of y<sup>e</sup> sayd Gun into his own body." Sworn, 23 : 10 : 1661, before Wm. Hathorne.§

‡Inventory of the estate of John Balch of Salem, deceased, taken, 19 : 1 : 1662, by Roger Conant§ and Samuell Corning:§ His

§Autograph.

17s., was allowed. The whole estate was to be divided between the widow Mary and the child Mary, and was to remain in the hands of the widow until the child became of age or married.

Mr. Wm. Browne v. Capt. Tho. Marshall. Debt. Withdrawn.\*

Henry Cooke, dying intestate, Judeth, his wife, and Isaack, his eldest son, were appointed administrators, and an inventory† was allowed. It was ordered that the whole estate remain in the hands of the widow until the children become of age, except that Isaack was to have 5li. in hand, and, after his mother's decease, to have the house and land adjoining valued in the inventory at 60li. The other children were to have 10li. each at age or time of marriage. "Ye ordering of this estate is null and refers to what y<sup>e</sup> court have further ordered as apeers in y<sup>e</sup> records of y<sup>e</sup> second session of this court."

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house with 5 akers of land adjoining, 35li.; the quarter part of his father's farm, about 50 akers, 50li.; two akers & half of meadow in the old planters' salt marsh, 12li.; a mare and colt, 15li.; a Cow, 4li. 10s.; a fetherbed & bolster, a rugg, blankets & purtinances & bedsted, 10li. 10s.; another bed & bedsted wth the purtinances, 6li. 10s.; some other smale bedding, 2li.; peuter platters & porringers, 5li.; a kettel, 2 skellets, a warming pan & skimer, 1li. 12s.; a smale iron pott & smale kettel & od iron, 8s.; 2 chests, a cubbord, and boxes, 2li.; a littel table and 4 chairs, 16s.; his waring apparrell, 10li.; 2 cussions & some sea garments, 1li. 3s.; pillobiers, sheets and napkins, 6li. 10s.; a fring pan, a bellose & smoothing iron, 8s.; 2 hatts, 1li.; an eighth part of a ketch prised at 26li., but this is still owing for, and more also; total, 189li. 17s. There is owing to Lott Conant of Marblehead, 26li.; more in other debts 4li.; total, 30li. Debts to be added to John Balch's debts: Due to Captin Price, 9li. 16s. 3d.; his funeral expences, 2li. 1s. 6d.; for keeping a sick and weakly child, viz., Mary Balch, six months, 10s.; to the doctor, 10s.

\*Writ, dated June 2, 1662, signed by Hillyard Veren,‡ for the court, and served by Samuell Archard,‡ marshal of Salem.

†Inventory of the estate of Henery Cooke, late deceased, 14: 11, 1661, taken by Nathaniel Felton‡ and Henry Bartholmew:‡ His dwelling house and the land adjoining, 60li.; the Cowpen lot, beinge 5 acres, 20li.; 9 acres of land at the great coave, commonly called Towne's lot, 10li.; the house, orchard and land, about 21 acres that was formerly bought of Willm. Nichols, 40li.; a farme lot of 40 acres, neare Mr. Downing's farme, 6li.; 6 acres of meadow lyinge by Bishop's farme, 6li.; 8 acres of meadow lyinge neare the land of Hen. Phelps, 8li.; an acre of land in the towne next

‡Autograph.

The will\* of John Row, deceased, was brought into court and allowed, and the widow and her sons John and Hugh were

to Mr. Norrice & the housinge upon it, 30li. ; 2 oxen, 12li. ; 1 Cow, 5li. ; 4 two yeare old heifers, 12li. ; 2 yearlings, 3li. ; a horse, 12li. ; In beddinge wth. 2 payre of sheets, blankets and a rug, 5li. ; hempe & flax, 2li. ; a bed teecke & boulster, 2li. 10s. ; a brass kete, an iron pot & kete, a skillet, 2 platters, a table & a Cupboord, 3li. ; a sadle & bridle, a payre of skales, a payre of stilyards & a steele, 2li. ; Barly and pease, 4li. ; In beddinge, 1li. 10s. ; a polaxe, 2 cleivers, 3 axes, 3 wedges, a hammer, beetle rings, a thwart saw, 2 muskets, a rapier, a sword & bandeliers, a fryinge pan, an old warminge pan & a mortar, 2li. 10s. ; some old bookes, a fire shovel & tongs & other smal utensils, 1li. ; a Cart and plow wth. tacklinge thereunto belonginge, a slyd, 2 sytes, 3li. 10s. ; his wearing apparel, 5li. ; total, 255li. Sworn in court by the widow, before Hilliard Veren, † cleric.

Henery Cooke debter : To Mr. Corwinne, 16li. 17s. 4 3-4d. ; Mr. John Browne, 8li. 2s. 11d. ; Mr. Bartholmew, 8li. 13s. 10d. ; Mr. Gidney, 4li. 15s. ; Henery Bullocke, 4li. 7s. ; Willm. Flint, 25li. 10s. ; John Pickeringe, 15s. ; Nathaniel Norton, 14li. ; Francis Lawes, 1li. ; Mr. Cromwel, 2li. 2s. 9d. ; Mr. Gardiner, 2li. 1s. 10d. ; Richard Bishop, 1li. 10s. ; Ezekeil Wathen, 2li. 10s. ; total, 92li. 5s. 8 3-4d. Inventory, 255li. ; debts, 92li. 5s. 8 3-4d. ; rest, 162li. 14s. 4 3-4d. Henery Cooke's children were Isacke, aged twenty-two yeares, Samuel, twenty, John, fourteen, Henery, eight, Judith, eighteen, Rachel, sixteen, Mary and Martha, twelve, and Hanna, four yeares.

John Burton † and Samuel (his mark) Eburne certified, Jan. 10, 1661, that " beinge w<sup>th</sup> Henery Cooke about 3 or 4 houers before his decease perceiuinge he was in perfect memory spake to him about the settinge of his house in order, for the peace of his famely after his decease : and that if he had done it when he had had more strenght, It would haue ben more comfortable for himselfe, his answer was, that he had some reason for it and that he would leaue al to his wiues disposinge, then after some tyme of respite he sayd that his wil was that his son Isacke should haue his Dwellinge house with the land thereunto belonginge, then beinge demanded when, he sayd after the decease of his wife, & then he sayd that his daughter Judith should haue the Cowpen land and more he would haue spoken concerninge the rest of his children but was not able."

\*Will of John Row of Gloucester, dated 15 : 8 : 1661, was proved 24 : 4 : 1662. He bequeathed his " wholle estat which god hath bestowed upon me ; to my wife and my to sonnns ; That is to say to my wife ; and my to sonne John ; and my Sonn huah ; to

†Autograph.

appointed administrators to divide the estate according to the mind of the testator. An inventory\* was also allowed.

An inventory† of the estate of David Lewis was allowed and Samll. Archerd was appointed to administer in behalf of the country, and to be accountable to this court.

Mr. Edmond Batter was appointed administrator of the estate of

be equally devided Betweene them and to euery one a like : and as for my wife : if her third part of goods will not maintaine her ; it is my will y<sup>t</sup> my too sonns shall maintaine her all her dais ; if in case shee liue unmarried ; And if she doe mary, what goods she haue at her decease shall be equally devided to my to sonns : That is to say what estate she haue ; at her day of mariage ; and if either of these to sonns dye unmarried his estat shalbe his Brothers that doe Remaine a liue." John (his mark) Row, sr. Wit: John (his mark) Collens, sr., Steven Glover‡ and John Collens, jr.‡

\*Inventory of the estate of John Roe, taken, Apr. 2, 1662, by Samuel Delaber,‡ John (his mark) Collings and William Browne : ‡ Two Cowes, 10li. ; 1 Cowe, 4li. ; 2 dry Cowes, 9li. ; 1 old Cowe, 4li. 10s. ; 1 yocke of oxen, 16li. ; 1 yocke of oxen, 15li. 10s. ; 3 Cattle of 2 years, 6li. ; Cart & wheles, 2li. ; plow shears, chaines & harnes, 1li. 12s. ; 2 hamers, 4 weges, 9s. ; 2 sawes, 3s. ; old axes, 10s. ; 2 pecaxces, 5s. ; 1 hoe, 2s. ; spad & shuvels, 7s. ; pickes forke, 6d. ; shot mowels, 1s. ; pot huckes, 5s. ; tongs & crucks, Iron pots, 18s. ; 2 Cittles, 12s. ; peuter, 5s. ; sheves, 5s. ; 1 ass, 2li. ; seves, 3s. ; 3 Rakes & old sithe, 2s. ; a wheelbara, 2s. ; Swine, 2li. ; 4 bushells of wheat, 1li. ; peaes, 14 bushells, 2li. 9s. ; tember vessels, 10s. ; one gun, 12s. ; bed & bed Clothes, 8li. ; Clothing, 4li. ; Chest & nails, trunk & books, 14s. ; Friing pan, warming pan, 5s. ; 1 grining stoo., 1s. 6d. ; a bars skin, 5s. ; Twenty busshelle of indian, 53li. ; Baken, 2li. ; Ropes & bags, 10s. ; rep hoackes, 4s. ; augers, chest and ades, 8s. 9d. ; Lanhorne & skales, 5s. ; Cotten stockens, 8s. 4d. ; rye, 3 bushells, 10s. 6d. ; salt & salt meat, 7s. 6d. ; Thre pounds, ten shillings Due det to John Roe ; Lands, 100li. ; total, 205li. 16s. 10d. John Roe indetted Fourty shillings. Sworn by Brigitt Row, the widow, and John Row, her son, June 9, 1662, before Samuel Symonds.‡

†Inventory of the estate of David Lewis, deceased, taken June 22, 1662 : In Mr. Corwin's hand, in fish, 17li. 16s. ; a sea bead and covering & old cloathes, 2li. ; wearing cloathes & Linnen, 2li. 10s. ; total, 22li. 6s. The estate is Dr. to Mr. Corwin, 5li. 6s. ; for ye Coffine & other things at his buriall, 12s. ; for expences & time of one about his busines, 10s. ; total, 16li. 8s. The rest of the estate the debts being discounted, 5li. 18s.

‡Autograph.



Tho. Wilkes, deceased, that he had in this country. An inventory,\* amounting to 100li. 6s. 11 1-2d., was presented to this court.

The will† and inventory of Robert Gray, deceased, was brought into court and allowed.

\*Inventory of the estate of Thomas Wilks, deceased, that was found in Boston in November, 1661, by John Wiswall‡ and John Lake :‡ Aparell and small things, 7li. ; 1 small pcell of goods as p. Invoys, 2li. ; 10 p. small stockings, 6s. 8d. ; 6 1-4 linnen & woolen, 12s. ; 5 yds. 1-2 Red cloath, 1li. 2s. ; 9 yd. 1-2 gray Carsy, 2li. 7s. 6d. ; gloves, laces & silke, 7s. 6d. ; 3 grosse & 9 doz. buttons, Coat, 12s. 9d. ; 2 grosse, 8 doz. brest buttons, 9s. ; 2 yds. Coifing stuffe, 3s. 4d. ; 13 yds. 1-4 shage at 3s. 4d. p., 2li. 4s. 2d. ; 14 yds. Course woolen cloath at 3s. p., 2li. 2s. ; 28 p. gloves, 1li. ; 1 great Bible, 6s. ; 3 peeces Sardge at 4li. 5s. p., 12li. 15s. ; 16 yds. 1-2 duple Beys, 4li. 2s. 6d. ; 24 yds. Browne Lynen, 5li. 4s. ; 1 Covered, 18s. & old Carpet, 3s. 6d., 1li. 1s. ; 1 old Satinnisco gowne, 1li. 6s. ; Incle mancster & some ode things, 2s. 6d. ; packing cloath & Cord, 2s. ; 19 yds. Carsy at 5s. 4d. p., 5li. 1s. 4d. ; 14 yd. flaninge, 1li. 16s. ; hatte and Case, 8s. ; 1 Child Blanket, silv. lace, 1li. 10s. ; Chest, boxe, &c., 2 stone Juggs, 11s. ; 3 hhds. Suger, Neate, 15 C. 3qt. 1li., 15li. 15s. 3d. ; 14 Gallon Rum at 3s. p., 2li. 2s. ; total, 70li. Inventory of goods in Salem, taken in December, 1661, by Walter Price‡ and Hillyard Veren :‡ One pcell goods of small wares, 3li. 1s. 3d. ; 1 pcell Ironmonger's wares, &c., 2li. 10s. 11d. ; 1 pcell small wares, 1li. 4s. 1d. ; 1 pcell small wares, 2li. 10d. ; 1 friing pane, 2s. ; 25 yds. Course Carsy at 4s. p., 5li. ; 14 yds. tick-inge at 3s. p., 2li. 9s. ; 7li. old Iron & kitle, 1li. 7s. 11d. ; 14li. peper, 28s., 2 grosse, 5 doz. hooks & eyes, 5d., 1li. 13s. ; thimbles & nails, 3s. 7 1-2d. ; 150 li. Cotton, 3li. 15s. ; 270li. suckets, 3li. 7s. 6d. ; 1 pcell small wares, 3li. 11s. 10d. ; total, 30li. 6s. 11 1-2d.

†Will of Robert Gray of Salem, dated 1 : 11 : 1661, was proved 25 : 4 : 1662. "Impmis I giue vnto my daught<sup>r</sup> Elizabeth Gray that peece of ground runninge alonge by the side of m<sup>r</sup> Endicotts and buttinge against Thomas oliuers. It : I giue vnto my son Joseph my barne and one quarter of an aker of grounde to it to be laid out for him at the discretion of my ouerseer It : to my son Robert I giue my kitchin with som grounde vnto it reserving a convenyent passage for my wife into the orchard and to the well which I also reserv to be laide out at the discretion of my overseers It : I giue vnto my other three children Bethiah, Hannah and Mary my third pt of the Ketch to be soulded and equallie diuided amonge them

"It : I giue vnto my servant Elizabeth Wicks : three pounds provided shee dwell with my wife to the end of the next somer It : I : giue to George Hodgis a quadrant a fore staffe a gunters scale

‡Autograph.

The will\* of William Browne of Gloster, and an inventory, amounting to 223li. 7s., were allowed.

and a p of Compassis And for the rest of my estate what soeuer I giue and bequeathe it vnto my beloued wife Elizabeth Gray whom I make executrix of this my last will and testament and doe apoynt my beloued friends m<sup>r</sup> John Brown and Henry Bartholmew the overseers of this my last will and testament." Robert Gray.† Wit: John Browne† and Henry Bartholmew.†

Inventory of the estate of Robert Gray, deceased, taken, 5 : 12 : 1661, by John Browne,† Richard Prince† and Henry Bartholmew :† One dwellinge house with a kitchin and barne and the land belonging to it, 300li. ; one third pt. of a Ketch, 140li. ; one Cowe, 5li. ; two yonge horses, 15li. ; one swine, 14s. In the parlor : One fether-bed, two bolsters, a pillow, a Rugge and blankett, curtaines and vallenge with the bedsteed, 14li. ; one trundle bedsteed, one fether bed, a pillow, Coverlid and matt, 4li. ; one table, a case of drawers, two chaires, 6 stooles, a setle, 3 less chaires, two trunkes and 2 casis of botles, 7li. ; one large lookinge glass with som earthen dishis and pictures, 2li. ; a tin lanthorne, 4 baskettes and som glassis, 10s. ; 2 silver booles with som other plate, 4li. ; 7 p. of sheetes, 7li. ; Table linen and pillow beares, 9li. 10s. ; Childbed linen, hollon and other linin, 6li. 10s. ; wollin yearne, Cupboard clothes with othr small thinges, 2li. 5s. In the litle Chamber : One feather bed and bolster, Rugge, blankett and bedsteed, 9li. ; a chest with linin, woolin and other goods, 10li. ; 4 old blankettes and 2 pillowes, 1li. ; 18s. ; a table, 3 casis, a forme, a setle and chaire, 3li. 5s. ; a lookinge glass and 3 pictures, 1li. In the Kitchin : One fether bed, a bolster, 2 pillowes, a Rugge and blankett, 6li. ; a trundle bed, with the furniture, 2li. 5s. ; brass, pewter and earthware in 2 butteries, 6li. ; brass and pewter in the kitchin and 2 p. of stilliards, 7li. 10s. ; 2 potts, 2 chests, a table, with other lumber, 6li. ; in the chamber, a bed and beddinge with the bedsteed, 3li. ; a cradle, 3 chests and other lumber, 1li. 10s. ; old Iron, Ropes, blockes, 5 guns and a sword, 6li. ; 6 sakes and a pcell of Rossen and brimston, 1li. 10s. ; in the Cellar, a firkin of sope, a Jarr of oyle and a grindstone, 1li. 14s. ; his wearing apparrell, 24li. ; total, 588li. 1s.

\*The will of William Browne of Gloucester was proved 25 : 4 : 1662. He bequeathed to "my Sonne in Law Abraham Robinson Two Acres of Meadow being Situate & lying on the North Side of little good Harbour as also two Acres of vpland being Situate and lying next the burying place on the South West Side thereof in Gloucester aforesayd as also three Acres ¶ of meadow ¶ be it more or lesse Situate and lying at Annasequam So Comonly Called next to the Meadow of John Collins Sen on the North-East & butting upon the mayne Creeke or River as also halfe that my Parcill of

†Autograph.

vpland being Situate & lying in the Fishermans Feild betweene the Land of Jeffrey Parsons also halfe that my Parcell of vpland Lying at the Eastern Poynt and adioyning to the Land of Robert Elwell also I giue and bequeath unto my Sayd Sonne in Law one Cow and two Ewes also a Bed and a Bolster together with a Rugge & one Blanckett these Lands Goods & Chattells aforesayd to be Delivered to the Sayd Abraham my Sonne in Law together with one Iron Pot when hee Shall attayne the Age of twenty one years to have and to hold the Sayd Goods Lands & Chattells to him & his Heires for evar that is in Case hee Shall accept of what I have here given & bequeathed unto him in this my last will & Testament But if hee Shall not accept of what is here bequeathed & given unto him then it is my will that all the aforesayd Lands Goods Chattells Shall fall to my Executresse anything herein contayned to the Contrary in any wise notwithstanding. Furthermore it is my will and I doe by these PANTS assigne & appoynt my Daughter Mary Browne to be my Heire & Executresse of all the rest of my estate onely it is my will that my wife Mary Browne Shall enjoy the benefit vfe & profit of all this my estate now last expressed unto which my Daughter Mary is Heire.

I Say it is my will & I doe hereby appoynt & determine that my Sayd wife Shall enjoy all the benefit vfe & profit of this my estate now last expressed untill my Daughter Mary doth marry or attayne the age of Eighteene yeares and then when Shee Shall attayne the age of eighteene yeares or otherwise if Shee doth marry before Shee doth attayne the Sayd terme of yeares then It is my will and I doe hereby appoynt and determine that my Daughter Mary Shall presently enjoy halfe the benefit & Profit of this my estate last expressed to her owne proper vse & behoofe any thing herein Contayned to the Contrary in any wise notwithstanding and after the death of her Mother Shee Shall enjoy the other halfe which her Mother was to enjoy while Shee lived that is to say Shee my Sayd Daughter after the Decease of her Sayd Mother Shall have and enjoy all that my estate last expressed to which I have appoynted her Executresse to Her & her Heires for Ever

But if my Sayd Daughter Should dye before Shee doth marry or before Shee doth attayne the age of Eighteene yeares then it is my will & I doe hereby appoynt and determine that her Mother Surviving Shall have full power to enjoy & dispose of all this my estate last expressed But if my Sayd Daughter doe Survive or out-live her Mother and dye before Shee attayne the age of Eighteene yeares or before shee doth marry then it is my will & I doe hereby appoynt & determine that my Sonne in law Abraham Rob-inson above expressed Shall have & enjoy that estate abovesayd unto which I have Constituted & appoynted her to be Heire to him & his Heirs for ever Any thing herein Contayned to the Contrary in any wise notwithstanding In witsnesse whereof I the sayd William have hereunto Set my hand the twenty & ninth day of Aprill Anno

The will\* and mind of Lawrence Leach, late deceased, was presented in court in a writing, and upon oath given was allowed, as

Dom one thousand Six hundred and Sixty two. William Browne.†"  
Wit: John Emerson,† John (his mark) Collins, sr., and Philip Staynwood.†

Inventory of the estate of William Browne, deceased, taken at Glositer, May 13, 1662, by John Emerson,† Samuel Delaber,† John Collings† and Philip Staynwood:† Two oxen, 17li.; 3 Cowes & calves, 16li.; 7 ewes and 4 lambs, 4li. 2s.; 1 rame, 6s.; 2 oxen, 12li. 10s.; 3 yere old bull, 4li.; 2 to yers old, 5li.; 6 swine, 3li. 10s.; one yerling, 1li. 10s.; Cart and whele, 1li. 15s.; plowe harnis, 1li.; one pair of new wheles, 2li.; One Cannow, 10s.; Arxel, 7s.; houes, 4s.; to shivels, 1s. 6d.; pich forkes, 2s.; Augers, 3s.; Draing knife, 3s.; Truell & huck, 2s.; one hamer, 1s.; fire pan & toungs, 3s.; A gredion & friing pan, 6s.; pothucks and crucks, 13s.; smuthing eirns, 2s.; Billowes, 1s.; 4 seves, 5s.; 4 Bages, 4s.; spitt, 4s.; Stillerds, 14s.; fouling peace, 1li.; 5 pots and a Iron Skillet, 3li. 10s.; 4 puter Dishes & one Bason, 2li. 1s. 6d.; 1 quart, 2 pints, half pint, 13s.; 2 wine bolles & dram Cup, 2s. 6d.; 1 Candellstick, 3s.; one puter Cuck, a salter and a saser, 4s. 6d.; Spooones, 2s.; A warming pan, 11s.; A dripping pan, 2s. 2d.; Snuffers, 2s.; Paynted Dishes, 2s.; Timber Vessells, 3li. 2s.; Chests, 1li. 6s.; wheeles for spinning, 8s.; Scales & weights, 4s.; Two Tables & a Stoole, 1li. 14s.; Trenchers & a Grater, 1s.; Bands, handkerchiefs, Neckcloths, 10s.; A knife & a sheath, 1s.; Shirts, 1li. 10s.; Three payre of Sheets, also one old sheete, 3li.; Table Napkins, 15s.; Board cloths, 1li. 5s.; Table cloaths, 14s.; old Linnen, 6s.; wearing Apparrell, 9li. 10s.; Shooes, 10s.; Red karsey, 18 yards, 6li. 7s.; Trucking cloth, 10s.; Red Cotton, 8s.; Narrow karsey, 1li. 3d.; Cotton cloth, 6s.; Leads & Lines, 12s.; An Houre Glasse, 1s.; wool, 12s.; woollen yarne, 1li. 8s.; An Iron Lampe, 1s.; Cotton wool, 6s.; cotton yarne, 4s. 8d.; salt, 6s.; Bedding, 15li.; wheat, 1li. 12s. 6d.; Indian Corne, 9s.; malt, 6s. 6d.; one Hide, 8s. 6d.; a Bible, 10s.; House & Lands, 90li.; total, 223li. 7s. Sworn by Mary Browne, the widow, June 9, 1662, before Samuel Symonds.†

\*Nuncupative will of Lawrence Leach of Salem, proved 25: 4: 1662. "Larance Leach Aged 85 years or thereabouts beinge par-fitt in memory neer a yeare before his death expressed himselfe vnto vs whose names are heervnder written in the disposinge of that w<sup>ch</sup> hee had, we beinge vrgente w<sup>th</sup> him to make his will his expressions to us was this firste he said that he did owe thirtie pounds ¶ for the mill & his will was that his wife should pay his debts and when his debts ware paid then shee should take all hee had. John Porter,† John Bacheller."†

†Autograph.

was also an inventory.\* Elizabeth, the widow, was appointed administratrix.

Richard Leach was appointed administrator of the estate of Ann Fuller, late deceased, having brought into court a will† and inventory‡ of the said Ann Fuller, which were allowed.

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\*Inventory of the estate of Lawrence Leach of Salem, deceased, taken by John Porter§ and Jacob Barney:§ His wearing apparell, 3li. ; 2 feather bolsters, 1li. ; 3 feather pillowes, 12s. ; 1 Coverlet & 2 Ruggs, 1li. 10s. ; 2 blanketts, 1li. 5s. ; a Fether bed & 2 flocke beds, 3li. ; 2 paire of sheetes, 1li. 10s. ; 3 pillow beares, 6s. ; 3 small table clothes, 10s. ; 1 single sheet, 4s. ; a bedsted and a Chest, 1li. 10s. ; 5 Chaires, 15s. ; 3 barills, a tub & 8 trays, 1li. 5s. ; a table, a forme & 3 dishes, 6s. ; 3 old brasse kettles & a skillet, a Chafindish & 1 Candlestick, 2 Iron pots & a skillet, 1li. 6s. 8d. ; 1 Iron kitle & a morter, 2li. 10s. ; a spit & a dripping pan & a frying pan, 10s. ; 6 pewter dishes, 1li. 5s. ; a Baskett with other Lumber, 5s. ; 2 Cowes, a heyfer & a Calfe, 12li. ; 5 small swine, 4li. ; the howse, with 2 acres of land with the orchard, being parte of the said 2 acres, 30li. ; a mill, 40li. ; 20 acres of land not improved on Ryall side neare John Bacheler, 10li. ; 15 acres of meadow neare John Porters farme bought of Mr. Downing, 20li. ; a Bible with another Booke, 5s. ; total, 138li. 14s. 8d.

†Nuncupative will of Anne Fuller, proved 25 : 4 : 1662 : " Anne Fuller widdow aged 79 yeares beinge *very* sicke and weake, beinge in perfect memory *and* 2 or 3 dayes before her decease desired vs [whose] names ar vnderwritten to be witnesses to this her disposinge of what she had, & first she sd her wil was that her son Richard Leach should have her 5 acre lot for the charge of her burial, & her red wastcoate she *gave* vnto Bethiah Farrow, and her — that John Leach & Sara Leach haue on of her Cowes betweene them & what she had more she gaue unto her son Richard Leach." Jonathan Wallcott§ and John (his mark) Rowdon.

‡Inventory of the estate of An Fuller, taken by Nathaniel Felton§ and Anthony Buxton :§ Five acres of Land, 7li. ; two Cowes, 8li. ; a Coverlet, 1li. ; 2 blankets, 1li. ; a bed teeke & a bolster, pillowes & 3 sheetes, 1li. — ; her wearing apparell, — ; —st, 5s. ; a bible, 2s. ; total, 23li. 17s. 6d.

Writ: John Putnam, sr. v. John Putnam, jr. ; trespass, for coming upon his land and carrying away wood and timber ; dated June 18, 1662 ; signed by Hillyard Veren,§ for the court ; and served by Samuell Archard,§ marshal of Salem.

Writ: Henry Coombes v. John Legg ; for not making return of an attachment in an action of debt to be tried before the worshipful Major William Hathorne ; signed by Hillyard Veren,§ for the court ; and served by Samuell Archard,§ marshal of Salem.

§Autograph.

Allowed 7s. 6d. to the servants of the house and to the servants of Mr. John Browne's house, 2s. 6d., to be given as the Worshipful Mr. Samll. Symonds ordered it.

Writ: Mr. Edmond Batter v. John Lewis; debt of 10li. 2s. to be paid in beef, pork and wheat; dated June 2, 1662; signed by Hillyard Veren,\* for the court; and served by Samuell Archard,\* marshal.

Writ: Edward Woolland v. Job Hilliard; battery, for striking his servant several blows in the highway or common; signed by Hillyard Veren,\* for the court; and served by Samuell Archard,\* marshal.

Writ: Mr. Edmond Batter v. John Hathorne; debt; to be paid in beef, pork and corn; dated June 2, 1662; signed by Hillyard Veren,\* for the court; and served by Samuell Archard,\* marshal of Salem.

Writ: John Cromwell v. Danyell King; for an account of seven hundred and fifty-one pound of New England fish delivered him at Barbados to sell for him on Aug. 4, 1658; dated 18: 4: 1662; signed by Hillyard Veren,\* for the court; and served by John Legg,\* constable of Marblehead, whom Samuell Archard,\* marshal of Salem, appointed as his deputy.

Bond of Daniell King,\* witnessed by Willm. Pitt.\*

Writ: Mr. Edmond Batter v. Abner Ordwaye; debt; dated 17: 4: 1662; signed by Tho. Fiske,\* for the court; and served by Tho. Fiske,\* constable of Wenham.

Writ: Edmond Batter v. Jno. Marshall; debt; dated Apr. 18, 1662; signed by Hillyard Veren,\* for the court, and served by Robert Lord,\* marshal of Ipswich.

Writ: Mr. Francis Dane v. John Godfrye; debt due by bond; dated June 10, 1662; signed by Robert Lord,\* for the court; and served by Robert Lord,\* marshal of Ipswich, by attachment of a pair of shoes.

Writ: Job Tyler v. John Godfry: for non-payment of five pounds due to him upon appraisal of cattle, etc.; dated May 13, 1662; signed by Edmond Fawkner,\* for the court; and served by Thomas Chandler,\* constable of Andover.

Writ: John Johnson of Haverill v. Petter Nash; debt, for withholding a cow due to him for part of the price of a horse sold to said Nash for 12li., and for security for the remainder, etc.; dated Apr. 1, 1662; signed by Thomas Leaver,\* for the court; and served by Robart Hesltine,\* deputy to the constable of Rowley, by attachment of the house frame and fifteen acres of defendant's land.

Writ: William Nicke v. Robart Duch; for withholding a debt of four pounds due for stage and flake room; dated 19: 4: 1662;

\*Autograph.

COURT HELD AT SALEM, JULY 7, 1662, BY ADJOURNMENT.

Judges: Worshipfull Mr. Samll. Symonds, Maj. Genell. Danyell Denison and Major Wm. Hathorn.

The same jury that was in the first session.

Civil cases:—

John Devorix v. Christopher Nicolson. Trespass. For pulling down the fence of plaintiff and laying open his ground to the common. The jury reported that if Devorix had a legal title to the land by grant of the selectmen of Marblehead, to the fence as the bounds, they found for the plaintiff, if not, for the defendant. Court adjudged the grant to be legal.

Tho. Flint and John Rubton were allowed witness fees in the complaint against Nicholas Phelps' wife.

Mr. Allexander Joanes, mate of the ship Ann, was fined for drinking to excess, he having been bound over to this court by the Worshipfull Major Wm. Hathorne to answer a complaint made against him by Capt. Thomas Barnerd.

signed by Francis Johnson,\* for the court; and served by John Legg,\* constable of Marblehead.

Bond of Robert (his mark) Duch, witnessed by James Brading\* and Henry Russell.\*

John Appleton\* and Jonathan Wade,\* who were appointed at the last Ipswich court to build a bridge over Ipswich river and make return as to the expense, reported, June 24, 1662, that the work was begun and the cost would be about eighty pounds. They asked that a rate might be levied upon the county to pay for it.

Presentments, dated 25: 4: 1662, signed by Nathaniell Putnam,\* with the consent of the rest of the jury, William Dixse, Francis Lause, Nicklus Potter, Thomas Golthight, Francis Scerye and Joseph Huchison:—

The wife of John Kichin, the wife of Phelip Verin, Nickalus Phelps and his wife and Richard Gardner were presented for frequent absence from meeting on the Sabbath day.

Complaint and request of John Hathorne to the Salem court: First, against Andrew Mansfield and William Longlye for suspicion of taking a false oath at last Ipswich court in the business between Robert Lord, marshal, and said Hathorne. Wit: Ro. Burges, Jo. Collins and Ed. Jerson. Second, against Andrew Mansfeld for neglecting to assist the marshal when he was charged. Wit: Hen. Collins, Ro. Burges and Jo. Collins. Third, against Robert Lord, marshal, for telling a lie against the law about a mare of his said Hathorne arrested. "I humbly request the fauor of this court to

\*Autograph.

Mr. Richard Moore and Mary Chichester, wife of William, came into court and acknowledged their free act and deed in exchanging a piece of land of about seven poles that lay on the north side of said Marie's ground for so much lying on the east side of the said ground, as the fence now stands, laid out by Major Hathorne, which was allowed by the court.

Mr. Ruck, constable, was allowed a bill of charge of 13s. 4d.

Capt. Tho. Lothrop was confirmed captain to the foot company on Cape Ann or Ipswich side, belonging to Salem, as also Ensign Dixie, for their lieutenant and Samuell Corning, for their ensign.

Treasurer of the county was ordered by this court to issue warrants to the several towns in the county to raise a rate to the value of one-fifth part of a single country rate of heads and estates.

The marshal of this court was ordered to gather all court dues with all speed and to make sale of any or all such houses and lands seized of any persons for fines imposed to any that shall be willing to purchase the same at such rates as they can agree upon.

Upon further consideration about ordering the estate of Henry Cooke, deceased, it was ordered that Isaack, the eldest son, have 24li., and the other children, John, Henry, Judith, Rachell, Mary and Hanna, 12li. each, payable at age or time of marriage, and the widow was appointed administratrix.

grant me a time of hearing I am very unwilling to be troblesom but (set aside my owne weaknes) I haue bin much abused & injured in this late busines."

Bill of charges of Daniell Clerk, constable of Topsfield, to Mr. Roberd Pane, for hue and cries sent out for Usilltun's servant, for the servant of Dodge of Wenam, for the servant of Will. Evens of Salem and to Rouli and Andever.

Presentments, 25 : 4 : 1661, signed by Nathaniel Felton,\* with the consent of the rest, Hen. Skerry, John Neale, John Deacon and Samll. Eburne:—

Philip Veren and his wife, Damaris Pope, wife of John Suthwicke, wife of Josiah Suthwicke, wife of Nicolas Phelps and Robert Gray, sr., were presented for absence from public worship of God upon the Sabbath day.

Hugh Joans and his wife were presented for suspicion of fornication before marriage. They were married the last midsummer court and she was delivered of a perfect child, Feb. 8 last. Wit: Elizabeth Buxton and Mary Rowden.

Owen Willyams was presented for being drunk several times.

\*Autograph.



## COURT HELD AT IPSWICH, SEPT. 30, 1662.

Judges: Mr. Symon Bradstreet, Mr. Samuell Symonds, Major Genll. Denison and Mr. Edward Woodman.

Grand jury: Mr. Jonathan Wade, Symon Tompson, Tho. Wells John Layton, Tho. Smith, John Emery, John Bartlett, Will. Sawyer, Rich. Swan, Mark Prime, Georg Kilburne, Isaack Comings and John Lovejoy.

Wit: John Dodge, sr., John Dodge, jr., Hen. Hericke, Dan. Rea and Robert Morgan.

Willyam Hoare was presented for suffering tippling in his house by those who came to keep Christmas there. Wit: Robert Morgan and Hen. Hericke.

Willyam Wiseman was presented for being drunk. Wit: James Underwood, Willm. West and Ed. Moseby.

Roger Haskel was presented for removing a bound mark. Wit: Osmund Traske and Zach. Hericke.

Richd. Haven of Lynn was presented for striking Isacke Ramsdel.

John Mansfeild of Lynn, presented for telling a pernicious lie, was discharged. Wit: Adam Hawkes, John Hawkes and Walter Skinner.

Arthur Cary of Lynn was presented. Wit: George Keyser and John Dyvinge.

Richard Haven was presented for striking John Langly. Wit: Ben. Bristo and Dan. Mathews.

Hugh Dickman of Lynn was presented for absence from meeting on the Sabbath day. Wit: Hugh Burt and Willym Miriam.

Elisabeth Skinner of Marblehead was presented for being drunk several times. Wit: John Noorde, Elisabeth, wife of Tho. Bowen and Mary Codner.

Francis, wife of Alexander Megiligen, presented for her wicked carriage and speeches toward her husband, was admonished. Wit: Henery Stacy and his wife.

Elisabeth Nickleson, presented for frequent absence from the public worship of God upon the Sabbath day, was fined. Wit: Emanuel Clarke and Willm. Neoke.

On the reverse of the foregoing paper: "sent Gloster warants by Goodman Eavly, Lynn warrant by M<sup>r</sup> Ro—, marblehead warrant by M<sup>r</sup> Maverick."

Execution, dated Mar. 20, 1661, against John Godferye, for judgment granted to Job Tyler, 26: 9: 1661, signed by Hillyard Veren,\* cleric, and served by Robert Lord,\* marshal of Ipswich, whom Samuell Archard,\* marshal of Salem, appointed as his deputy.

\*Autograph.

Jury of trials: Mr. John Paine, James How, Edmond Bridges, William Pritchett, John Addams, Tho. Lord, Will. Elsy, John Bayley, Ezek. Northend, Jo. Palmer, Sam. Platts and Dan. Clarke.

Civil cases:—

Benjamyn Smith v. Jer. Jewett, executor to Mr. Joseph Jewett. Debt. Verdict for defendant.\*

Samuell Winslow, attorney to Samuell Long v. James How. Withdrawn.

Abigaill Hanifourd, administratrix of the estate of George Dill v. Jer. Jewett, executor to Mr. Joseph Jewett. Debt upon account. Withdrawn.

John Marshall v. Robert Crose. Trespass. Verdict for plaintiff.†

\*Writ, dated Sept. 22, 1662, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich.

Robert Hensdell‡ of Medford, on 5: 8: 1659, acquitted Joseph Jewett of Rowley of a debt of 16li. which said Jewett owed Ben-gaman Smith, now of London, which if said Smith could not prove by writing or otherwise what said Jewett engaged himself for, then this should be a full discharge from the beginning of the world to this date. Wit: Jeremiah Jewett‡ and John (his mark) Chater.

Beniemin Smith§ of Boston, on Sept. 17, 1662, appointed Samuell Winsley of Sallisbere his attorney. Wit: Joseph Webb‡ and Nehemiah Webb.‡

James Johnson, aged about forty-eight years, deposed on Sept. 17, 1662, that "in the yeare 1650: M<sup>r</sup> Joseph Jewitt Received of me & bro. peetter Oliuer att my house of part of a legacy from Nickolas Willis to beniaman Smith the full and Just sum of one hundred and fifty pounds in goods: & about a year or two After M<sup>r</sup> Jewitt tould me that he had payd him all wanting seunteine pounds." Sworn before Anthony Stoddard,‡ commissioner.

†Writ: John Marshall v. Robert Crose; trespass, for mowing the meadow he hired of Richard Brabrooke and carrying off his hay, bounding the meadow to show to them that mowed the grass for him; dated Sept. 2, 1662; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal of Ipswich.

John Marshall's bill of costs, warrants for Corpill. Gage, Copll. John and Tho. Burnam, Nich. Marble, John West, Tho. Varney, Will. Warnner, Good. Lord, Tho. Knolton, James Foord, etc., 2li. 16s. 6d.

Robert Lord, aged fifty-nine years, testified that there were six acres of marsh sold to Thomas Knowlton, in behalf of his brother

‡Autograph.

§Autograph and seal.

Mr. Robert Paine v. Alexander Knight. Debt. Verdict for plaintiff.\*

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William Knowlton, in the marshes beyond Chebache if it were there, and deponent, as lot layer, laid out to him six acres of marsh below the marsh of John and Thomas Burnam below the pine tree at the point of the Island, which was the marsh in controversy. Sworn in court.

John Andrewes deposed that he was with Goodman Harraden when he bought this land of Thomas Burnom, and the latter said that it was to run from the bound rock to the river, ranging by the pine tree. Deponent also testified that he was at the dividing of it between Rob. Crosse and John West, etc. Sworn in court.

Thomas Varney and William Wariner testified that as they were mowing in this marsh, John Marshall forwarned them against mowing there and Robert Crosse, jr. said he would mow there, let him do his worst, and he mowed about half an acre. Sworn in court.

Sameuell Ingalles deposed that he was at the dividing of the land eight or nine years ago, being there to mow for Goodman Andrewes, etc. Sworn in court.

John Chote, Nicolas Marble, John West, Edward Harraden and Thomas Knolton deposed. Sworn in court.

Corpll. Thomas Burnam and Corpll. John Gage deposed that they were present at the laying out of land granted to John and Thomas Burnam, adjoining land of Robert Cross on the northeast, the line beginning in the woods toward Gloster bounds and running northwesterly through a neck of land into the salt marsh to a stake set up in the marsh near a long salt pond, and from the said stake quartering the compass southwestward through the marsh to a pine tree standing upon a little Island in the marsh, which line was the northwesterly end of both the lots. John Gage was then a lot layer. Sworn, Sept. 29, 1662, before Daniel Denison.†

John Burnom deposed. Robert Cros' island mentioned. Sworn in court.

John Burnum and James Ford testified that about three years before, when they were mowing this ground, Goodman Crosse and his wife said that before the next year they would have this ground in controversy divided so that every man might know his share. Sworn in court.

\*Writ, dated June 23, 1662, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich, by attachment of a trunk and a parcel of upland and meadow.

Bond of Alexander Knight† and Robert [Paine],† both of Ipswich, dated June 23, 1662, to abide by the arbitration of the Worshipfull Maj. Genll. Daniel Denison, Mr. Thomas Corbitt and

†Autograph.

James Fourd v. Cornelious Waldo. Withdrawn.

Rich. Doell v. Samuel Plumer. Appeal from the commissioners of Nubury. Verdict for defendant.\*

Mr. William Hubberd, provided the differences be settled at or before July 7 next. Wit: John Whipple† and Robert Lord.†

Daniel Denison,† Thomas Cobbett† and William Hubbard,† arbitrators, on June 23, 1662, adjudged that Mr. Knight should pay to Mr. Paine, 30li. 4s. 11d.

\*Meeting of the commissioners of Newbury on Aug. 27, 1662, Mr. Woodman, Capt. Gerrish and Nicholas Noyes being present.

Samuell Plumer, attorney for his father, Francis Plumer v. Richard Dole; for cutting and carrying away hedging stuff from the land of Francis Plumer.

Richard Dole acknowledged that he cut some brush wood from the land in controversy.

Thomas Colman, aged sixty years, deposed on Aug. 14, 1662, that the fence that was set up at the lower end of his house lot in Merrimack street was set up in the bounds of the said house lot and that the said lot was eight rods broad and four score rods long. Sworn before Samuel Symonds.

John Emery, sr., testified the same.

Copy of the foregoing record made by Anthony Somerby,† cleric.

Granted by the town of Newbury to Francis Plumer: Seven acres of meadow, bounded by Mr. Stratton's land on the south, Thomas Smith's on the north, four acre lots on the west and Archelaus Woodman on the east. Copy from the town book made by Anthony Somerby.†

The commissioners found for the plaintiff. Richard Dole, defendant, appealed to the next Ipswich court.

Richard Dole's reasons of appeal: First, the grant of the upland when the meadow was common and the testimony of the lot layers upon record of above twenty years standing, who said bounded with the meadow upon the east, which testimony ought to be attended to before any other persons give evidence; second, possession of the land; third, the evidence that was given was not examined by the commissioners, and if occasion serve it will be proved that they acknowledged since the trial that they knew the place where the fence was set to be the bounds of Thomas Colman's land only by information from others, and that they themselves were not at the laying out of the said land. Copy made by Anthony Somerby,† cleric.

Answer of Samuel Plumer, attorney to his father, Francis Plumer: To his first reason, first the record does not prejudice our case for by it he has only four-score rods in length and he has not made it appear that he wanted any of his measure either in length

† Autograph.

Robert Punell v. John Godfry. Battery. Verdict for plaintiff.\*

Mr. Edmond Batter and Joseph Humphry, administrators of the estate of Jo. Humphry, Esq. v. Mr. Edward Collings, Joseph Hills and — Frost, executors of the estate of Mr. Henry Dunston. Trespass. Withdrawn.

John Godfry v. Mr. Georg Corwin. For not returning to him a pair of oxen taken out of his possession. Verdict for plaintiff.†

John Hassell v. Henry Bennett. Withdrawn.

or breadth, and we can prove that he has more than his measure already; second, we have proved that the bounds of the four acre lots are where the fence stood; third, it appears by the record of the grant of our meadow that it is bounded by the house lots and the land itself makes it appear that it is meadow as far as the place where the fence stood. To his second reason concerning possession, the meadow was granted and laid out to us and we have made use of it for twenty years or more without molestation, and he could not come into possession of it except by cutting our stuff for which we now sue him. To his third reason, the evidence was all given according to law.

Granted by the town of Newbury to Thomas Colman, a house lot of four acres, eight rods in breath, four-score rods in length, bounded by Thomas Smith on the south, John Pike, jr., on the north, Merimacke street on the west and the marsh on the east. Copy made by Anthony Somerby.‡

\*Writ: Robert Punnell v. John Godfry; battery, for striking and kicking him in the street; dated Sept. 19, 1662; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal of Ipswich.

Samuell Symonds, jr., aged nineteen years, deposed that one evening as he was riding in the street, Robert Punnell said to John Goodfry, "pay me y<sup>t</sup> w<sup>e</sup> y<sup>e</sup> owe me," two or three times, and deponent saw one strike or kick the other several times.

Marke Quelter and Robert Lord, jr., deposed that being together in the high street before Goodman Roper's door, they saw John Godfry coming from Rouely-wards, etc. Sworn in court.

†Writ, dated Sept. 8, 1662, signed by Edmond Fawkenor,‡ for the court, and served by Samuell Archard,‡ marshal of Salem.

Copy of the execution and return made to Salem court, 24: 4: 1662, in the action of Job Tyler v. Tho. Chandler, made by Hillyard Veren,‡ cleric.

Copy of Job Tyler's bond taken from Salem court records by Hillyard Veren,‡ cleric.

Copy of record of Salem court, 24: 4: 1662, in action of Mr. George Corwin v. John Godfery, made by Hillyard Veren,‡ cleric.

‡Autograph.

Symon Tuttle v. Rich. Shatswell. For forbearance of about 30li. for about seven or eight years. Withdrawn.

Robert Lord, sr. v. John Godfry. For debt in attendance at divers courts as his attorney, also for divers executions and copies and for recording divers writings for him, for which said Godfry promised to satisfy him. Verdict for plaintiff.\*

Copy of depositions of Mary Tyler, Mark Graves, Robert Lord, William Ballard and Thomas Johnson, made by Hillyard Veren,† cleric.

Will. Ballard, aged about forty-four years, deposed that Mr. Corwing gave him a receipt, under his own hand, to give Job Tyler upon receipt of the corn of twenty-five acres of land, Tyler having delivered before to said Corwing two bullocks, two cows and a heifer, upon which deponent delivered Tyler the receipt, etc. Sworn in court.

John Lovejoy, aged about forty years, deposed that the deponent told Thomas Chandler in May last, the cattle in controversy were worth, together with one more, about seventeen pounds. Chandler was not satisfied with this price, and persuaded deponent to call it fifteen pounds. Sworn in court.

\*Writ, dated July 3, 1662, signed by Daniel Denison,† and served by Robert Lord,† marshal of Ipswich.

John Godfrey's account concerning Goodman Lord: Paid to Goodman Lord by Goodman Tiler, twenty bushels of wheat; twenty-six shillings by Goodman Fowler; twenty shillings in money; twenty shillings by Mr. Jowit; ten bushels of wheat to Goodman Tod upon Goodman Lord's account; five shillings in trays and twenty shillings in silver by John Godfry; twelve shillings by Jonathan Thing upon John Godfri's account; ten shillings being for witness for his son at Hampton court; total, 12li. 13s.

" Goodman Lord Thes Ar To Aqueint you that Jonathan Theing did Aferm To mee & Also Account To mee for his Apearans at hampton Court in thes ecton That Consernd the Forty booshels of Wheat w<sup>ch</sup> I bought of him: I Aferm the Treuth: of this and Rest yours

" from Heverill

" at Command

" This 7<sup>th</sup> of may 1662

" Joseph Davis."†

John Tod's† receipt to John Godfery for ten bushels of wheat upon the account of Goodman Lord of Ipswich.

Joseph Jewett† certified that, in the year 1659, he paid to Robert Lord twelve shillings for Willeam Simans and eight shillings for Abram Whitecar, all of which was for John Goodfrey.

A note of charges of Robert Lord, attorney to John Godfrye: Court at Salisbury in April, 1659, horse and his own diet, five

†Autograph.

Ossmand Dutch v. Clement Hudley. For moving foul his boat, by which means she was cast away. Verdict for plaintiff.

Henry Herick v. Frances Master, a Frenchman. For withholding a cow. Withdrawn.

Mathew Price v. Sam. Winslow. For non-performance of 2500 hogshead staves by Mr. Belcher, according to note. Verdict for plaintiff.\*

shillings a day for five days, 1li. 5s.; fourteen days at General Court, 3li. 10s.; four days at Salisbury court in April, 1660, 1li.; at the next General Court when Mr. Whittaker petitioned against Jo. Godfry, eight days, 2li.; for being his attorney in several cases at Ipswich court, 10s.; five days at Salem court, 1li. 5s.; filing evidence, copies and warrants, 12s.; for four executions, 8s.; two actions I payd for him to Mr. Browne, 1li.; for my trouble and hindrance in my occasion, for which Godfry promised to satisfy, 5li.; for drawing reasons of appeal in five actions from the judgment of the Haverill commissioners, Salsbury court, in April, 1661, etc., 10s. 10d.; attending the same court as his attorney, 1li.; writings for Ipswich court of March, 1662, ——. Received of John Godfry by Tyler, 20 bushels of wheat, 5li.; of John Tod, 10 [bush.], 2li. 10s.; at Goodman Fowler's, 1li. 6s.; twenty of Mr. Jewett, 1li.; in mony, 1li.; wooden ware, 2s. 6d.; total, 10li. 18s. 6d.

Theophilus Willson and Elizabeth his wife, deposed that when John Godfry was in prison he plead with Robert Lord, sr., to be his attorney and agreed to satisfy him and often sent for him to their house. Furthermore Godfrey often said that Lord was the best friend he had and that he was much beholden to him. Sworn in court.

Edward Clarck, aged about forty years, deposed that he had seen Lord at Salisbury and Salem courts upon Godfrey's business, etc. Sworn in court.

Robert Lord testified that he was employed at least thirty-eight days in Godfry's behalf, etc. Sworn in court.

\*Writ: Mathew Price v. Samuell Winsley, sr.; for non-performance of the payment of 2,500 hogshead staves by Mr. Belcher, according to the bill; dated 26 : 4 : 1662; signed by Hillyard Veren,† for the court; and served by John Cluf,† constable of Salsbury, by attachment of four cows of defendant.

"M<sup>r</sup> Belcher. pray dd. unto Mathew Pric or his Assignes twoe thowsand and halfe ef good merchantable hogshead Staves and the soome is to be in full of whateuer hath bine betwen us unto this p<sup>r</sup>sent time

" 7<sup>th</sup> 7 m<sup>o</sup> 55.

p Sam. Winsley."†

†Autograph.

Robert Lord, jr., in behalf of the town of Ipswich v. Henry Bachelour. Debt. For the maintenance of the ministry. Verdict for the plaintiff.\*

John West v. Peeter Whityere. Debt. Verdict for plaintiff.†

Thomas Kimball v. Jo Woolcott. Debt. Withdrawn.

Jehn Leeds acknowledged judgment of 8li. 16s. 7d. to Frances Wainwright.

Thomas Smith of Newbury was fined for not appearing to serve on the jury of trials.

The constable of Andover was fined for not returning a grand-jury man.

Mr. John Denison of Ipswich and Abraham Merrill of Newbury were made free.

\*Writ, dated Sept. 19, 1662, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich, by attachment of a parcel of meadow of defendant.

Bill of cost of Robert Lord, jr., 1li. 1s. 6d.

Copy of Ipswich town records, made on June 21, 1662, by Robert Lord,† clerk:

"Voted that the pay to the ministry — in wheate & Barley and the —.

"Voted that after the 25 of next — dayes of payment shall be — of January and february the — of each weeke.

"The Towne meeting he — voted by the Towne that in — Inhabytants doe not pay ther — ministry (the Deacons give — names to the selectmen) they to — course for the ataining of it.

"Att a meeting of the select men the 9<sup>th</sup> — There being a papar Brought in by — of severall psons that are behynd in — there Rates to the mayntenance of the m — as by the sayd papar may appeare T — select men doe now order that the ma — shall and is heerby impowred to su — recover of the severall psons that — they were pportioned by there Rates — to there severall summs and make return — to the Deacons."

†Thomas West, aged about twenty years, and Thomas Write, aged about twenty-four years, deposed, 22: 7: 1662, that Peter Whiteayre received twenty barreles of Indian corn in the ear and a barrel of mackerel of Jno. West of Salem. Also that the latter wintered an ox, a cow and a colt for said Whiteayre. Sworn before Wm. Hathorne.‡

The prices of the foregoing were as follows: Twenty barreles of Indian corn at 5s. 6d., 5li. 10s.; one barrel of mackerel, 1li. 10s.; wintering of the ox, 1li. 10s.; cow and colt, 1li. 10s.; total, 10li.

‡Autograph.



Elias Stileman of Salem, dying intestate, administration of his estate was granted to Elias Stileman of Portsmouth, son of the deceased, who was ordered to bring in an inventory.

Upon request of William Acye, the sentence of Ipswich court of Sept. 27, 1660, against him was remitted.

The thirty shillings of John Hathorne's fine, which was respitted until this court, were ordered to be returned to the treasurer.

Jonathan Hopkinson made choice of his father, Richard Swan, as his guardian.

James Sanders, presented for striking John Lynde in the meeting house on the Lord's day in the time of exercise, was ordered to be whipped unless he paid 3li., 40s. to the treasurer and 20s. to John Lynde. Henry Bennett paid the fine.

Joseph Daliver, being convicted for killing two mares, was fined 10li. by the county and bound to good behavior with two sureties for appearance at the next Salem court. He was also ordered to pay to Rich. Rowland 16li. for his mare and to Lott Connant 9li. for his mare, together with costs of court, and to lie in prison until the fine was paid. Joseph Daliver bound, Mr. George Corwin, surety.\*

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\*Copy of the record and files in the complaint against Joseph Daliver in the Salem court of 24: 4: 1662, made by Hillyard Veren,† cleric.

William Bartoll, aged thirty-two years, and Marke Pittman, aged about forty years, deposed that some time the last May they saw Joseph Daliver on a Lord's day morning where a young foal, said to be Mr. Walton's, was found dead in the afternoon by Bartoll. The latter thought it had been knocked in the head, as the skull was beaten flat and the brains lay on the ground. Pittman further deposed that about three weeks after that, on a second day of the week at sunrise, he saw said Daliver going along with a gun under his arm, and the latter, seeing Francis Linsford not far off, turned out of the direct way as if he did not wish to be seen. Pittman, having occasion to go the same way to look for his cows, followed said Daliver, although keeping out of his sight. Presently he heard a gun go off about eight rods before him, and with it the neighing of horses and saw them run, but he did not think then that the man had killed them. Pittman then went over to the stage about his business and about two or three hours after, one of deponent's children came to him and told him that Goodman Connant's mare was killed, and he went soon after to see, sending his boy to

† Autograph.

Thomas Rowell dying intestate, administration of his estate was granted to Marjery Rowell, his widow, and an inventory amounting to 123li. 3s. was brought in. According to a contract before

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tell said Connant of it. When deponent came to the place where he heard the gun go off, he saw the mare newly killed, and plainly saw where she was shot on the thigh in the near flank. Sworn, 13 : 7 : 1662, before Wm. Hathorne.\*

Daliver, upon examination, denied in court that he heard no report of a gun.

Edward Read, aged forty-eight years, deposed that he saw Richard Rowland's mare the evening before she was found dead, etc. Sworn, 13 : 7 : 1662, before Wm. Hathorne.\*

Mr. Moses Maverick, aged fifty years, deposed that he went with William Nick and Richard Rowland to see the latter's mare which had been killed, and first they met with the carcass of a beast which they said was Lott Connant's mare and had been killed by shot. A little further on they came to Richard Rowland's mare and could plainly see where the shot had entered. This happened upon Peach's Point. Sworn, 13 : 7 : 1662, before Wm. Hathorne.\*

Tho. Pitman, aged forty-five years, deposed. Sworn before Wm. Hathorne.\*

Francis Linsfurd, aged sixty years, deposed, that he saw Daliver going into the woods with a gun, toward Salem ferry, and he heard the report of a gun toward the Point lots, etc. Sworn, 7 : 5 : 1662, before Wm. Hathorne.\*

Isack Ellwell, aged about twenty years, deposed that he and his master, Henrie Harrold of Salem, saw upon the Point lots at Marblehead, a reddish mare newly dead, etc. Sworn, Oct. 1, 1662, before Daniel Denison.\*

Mary Walton, aged seventeen years, deposed that she was sent on business to Joseph Dalaber's wife and not finding her at home, went to his planting lot where she found her planting and covering corn with her husband. This was the day after the colt was killed, and upon inquiring of said Daliber if he had seen any horses about, he answered "I wish all the horses were killed I had rather there were so many wolues as horses for the coves will never feed after y<sup>m</sup>," and wished that there were never a horse in the country. Sworn, 13 : 7 : 1662, before Wm. Hathorne.\*

Erasmus James, aged twenty-seven years, and Josiah Walton, aged about twenty years, deposed that going with Richard Rowland to view his mare that was dead, they found that she had been shot in the breast, for there were twenty holes in her body. At the same time they saw one shot taken out of Lote Connant's mare that was found dead, etc. Sworn, 26 : 7 : 1662, before Wm. Hathorne.\*

\*Autograph.

marriage, the widow was to have half the estate, and the court ordered 29li. 10s. to be paid to Jacob Rowell, his son; to his grandchildren, the children of his son Valentine Rowell, 7li., that is, 40s. to the eldest son and 20s. each to the other five children. Jacob Rowell was to receive his portion at the age of twenty-one years and the widow was to have liberty to pay the 7li. to the grandchildren.

Shoreborne Willson was discharged of his bond for good behavior of Mar., 1661, none appearing against him.

Richard Rowland being complained of for many abuses of his mother-in-law, Mary Smith, the court ordered him discharged and the said Mary Smith to be summoned to the next Salem court.\*

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\*John Bartoll presented this paper to the court: "I do in all humility ympleore this much Honored Court now sitting that being its no practice of mine to trouble Authority w<sup>h</sup> suits of law rather to accept of my expressions by writting then any way to inforce me to speake by words of Mouth least I should offend in my deliuey. I haue not intruded my selfe to haue any hand in this buysines neither am I here led along by any prejudice against Richard Rowland. When he was called before Authority I was summoned p a warrant by the Constable of Marvellhead to appeare before maior Hathorne uppon w<sup>h</sup> summons I was fully pswaded of a lawfull call to speake the Trueth.

"My humble desire is that sythence Richard Rowland hath not only filled many frothy mouths in our Towne w<sup>th</sup> this charge that it is meerly out of preiudice in reforenc to the horse case now to be tryed in Court I am com, tho bound by law to ymplead the case in hand against him, but hath since charged the same uppon me to haue some hand in that case he may be called to make cleare what his intents ar that so I may fully know uppon what ground to my great trouble I stand so Accused. As concerning the case in hand I conceive That it will be invaled in me to speake much for I apprehend that the Testimony in Court will plead the case

"In what manner they haue lived seuerall yeare is well knowne to all that liue nere them What outrages theare haue been betwixt James Smith disceased the father and Richard Rowland Sonn in law it is allmost matter of ympossibility || to relate || & ever since the fathers departure continued by the abousaid Rowland against his Mother

"I conceiue that it was a motion from the lord That Samuel Cutler when I was in the widdow Smithes howse falling into dis-course about this his violent carriage toward his mother should charge it uppon me and others as our sinn for not bringing him

For preventing danger by the badness of the way near Thurill's bridge, it was ordered that the town of Newbury repair the way from the bridge near Rich. Thurill's to the neck called Mr. Dumer's

before Authority when he so grosely abused his father James Smith certeine yeares before his death for he w<sup>th</sup> others were spectators possitiuely affirming that the sd Rowland called his father old Rogue, threw him downe, took him by the neckcloth, & held him so strictly that when the sd cutler w<sup>th</sup> others for feare running downe found the sd Rowland upon his father who gasped hardly able to speake

"I shall at p<sup>sent</sup> omitt that abusive carriadg of mary the wife of Richard Rowland who did grosly Abuse the Constable and others acting in this according to law & leaue to farther prosecution.

"This have I done in obedience to command bound by law to this ymplea My Second ground is that a greater danger may be prevented if the lord please."

George Emery, aged about fifty-three years, deposed that he had a warrant from Major Hathorn to go to Marblehed to search Goody Smith to see whether she had any tumor or contusion, but he could find none, neither any evidence that any had been there. Sworn, 29: 7: 1662, before Wm. Hathorne.\*

Dorithy Crumwell, aged about fifty-seven years, testified that being ordered to search Goody Smith, she found no sign of stroke about her, and this was four days after she was hurt. She seemed to be unwilling to be searched unless she saw the order, and told deponent that she was counselled to the contrary. Sworn, 29: 7: 1662, before Wm. Hathorne.\*

Mary White, wife of Elias White, deposed that "Coming along I saw two women helping in goody Smith, she being Carrying in Cried out of her backe whereupon Mary Treuett & I put an apron under her backe & helped her in, & when we Came in I asked her what her son did to her, she said he tooke a sticke & strucke her upon her arme & her legg but she weighed not that, before he pusht her downe & stunned her, & then whither he struck her with y<sup>e</sup> raile ouer her backe, or flung the raile upon her backe she Could not tell." Sworn, 24: 7: 1662, before Wm. Hathorne.\*

Francis Johnson and Samuell Ward testified that being desired by Richard Rowland to go with him to hear what his mother, Goody Smith, should say, they went into the chamber. Said Rowland asked his mother what she had to say before these witnesses, and she said that if she should die, Richard Rowland would be the cause of it. As to whether he struck her or threw her down, she could not say, being in a trance, but she affirmed that she thought it would be the death of her. Sworn, 24: 7: 1662, before Wm. Hathorne.\*

\*Autograph.

neck sufficient for horse and man to pass by Oct. 16 next. Also they were to certify to its completion at Salem court in June next, under penalty of ten pounds. Thomas Burnam and Walter Roper were appointed to view the bridge near Richard Thurrill's to see

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Samuell Ebern testified that Goody Smith said in his hearing that Rowland struck her with a little stick on the arm, and it smarted, etc. Sworn, 24 : 7 : 1662, before Wm. Hathorne.\*

Mary (her mark) Smith certified to the court, Sept. 24, 1662, that "wheareas thear hath bin som difernces and discontents betwene my son-lawe Richard Rouland and my selfe Marye Smith, And for offenses and wrongs donn vnto me, seeing what was don, was don ptly by my one hastes disposition, I doe before God and the world And eury on of you, free and discharge the [sd] Richard Rouland my sonn in law of all eury thing or things donn vnto me, yf I dye tomorow next." Wit: Henry Russell\* and Willim. Pitt.\*

Mary (her mark) Smith of Marbellhed certified to the court, Sept. 27, 1662, that "what speeches Concerning my sonn in lawe Richard Rouland I haue lett fallen, was only out of Passion—beeing greened & vexed w<sup>th</sup> him about som accations that hapned, And for hurte I haue sum thought not much: and howe I Com | by it | I know not, And none did I set to worke to make anie Complaynt." Wit: John (his mark) Furbush and Willm. Pitt.\*

Samuell Ward\* testified that being desired by Richard Rowland to go home with him to read a note that Major Hathorne sent to Goody Smith, he read it to her. She answered that she respected Maj. Hathorne, but as to what was written in the note she would not consent to, that is, about a way through her ground for Richard Rowland to have passage. She said she would knock his oxen in the head and he would come at his peril. Said Rowland tendered her anything within reason for the privilege of bringing out his hay and dung, and said he would make up the stone wall as good as it was, etc.

John Legg, jr., testified that coming down Gachell's hill, he head a cry and saw Richard Rowland throw down the bars, and saw Mary Ebern come running into the town crying that he had killed her, but who she meant he knew not.

John Legg, sr., testified that going to the bedside to Goody Smith, "I asked her how shee did shee said shee was very weake & further said that her sonn Rowland had given her her deaths wound & that shee should carry it to her graue & that shee should not c—— from her bedd till shee was carried out."

John Gachell deposed the same.

Mary Trevet deposed that coming along by Goody Smiths "I saw Goody Legg & Goody Nicolson in the gapp I hard goody smith cry soe I went neer to them, good Nicolson desired me to

\*Autograph.

if it were sufficient and report to this court or to the clerk of the next session.

Major Genrll. Denison returned a bond of five pounds of John Carr for his appearance at this court, and said Carr being called three times and not appearing, the bond was declared forfeited.

The court gave five shillings to the house.

take off my apron and put it under goody Smiths back to helpe her in soe mary white & my selfe tooke hould of the apron & helped her in & in our goinge in goody Smith said he hath killed me hee hath kiled me," etc.

John Peach, sr., testified that when he came to Goody Smith in the field or cartway lying down with a woman holding her, and the bars down by her, etc.

Goody Nicholson testified that she held her up in the field about two hours, and asked her to be careful what she said against her son, because it would be blazed abroad to his disgrace, etc. On the Lord's day night, they laid the plaster on her back and there seemed to be something black there, etc.

Mary Eburne, aged about fifteen years, testified that she found Goody Smith lying on the ground, leaning on her elbow, nobody being with her but her son Rowland, and deponent, seeing a rail near her feet, cried out that Rowland had killed her grandmother.

The wife of John Gatchell testified that Goody Smith sent for her, but she was not at home, but hearing about it she went up in the evening, and Goody Smith told her that Rowland had given her her death wound, and that she had been afraid to go to the end of the house for fear he would kill her or do her some harm.

Eliz., wife of John Legge, testified that she was sent for to help carry Goody Smith, so she took her by her legs and Goody Nicholson by her shoulders, and Mary Trevett and Mary White put an apron under her back. On Lord's day at night, she was not quite so bad, because Mr. Russell had given her things to take inwardly, but she desired them to lay a plaster on her back, etc.

All the foregoing testimony was sworn, 24 : 7 : 1662, before Wm. Hathorne.\*

Jno. Croade,\* Thomas Hale,\* Nicolas Potter,\* Jno. Corwine,\* William Woodcooke,\* Richard Harvey,\* Andrew (his mark) Woodberry, Isack (his mark) Williams, James (his mark) Rizing, Thomas (his mark) West, Thomas Barnes\* and Richard Tidmarsh,\* being required by the constable to go to Mr. Sam. Beadle's house in Salem, on 7 : 7 : 1661, to see a dead child, they found the child laid out on a chest or table. Upon inquiring how it came to its death, the parents answered that it was drowned in the well, and no contrary evidence appeared. Sworn, 7 : 7 : 1661, before Wm. Hathorne.\*

\*Autograph.

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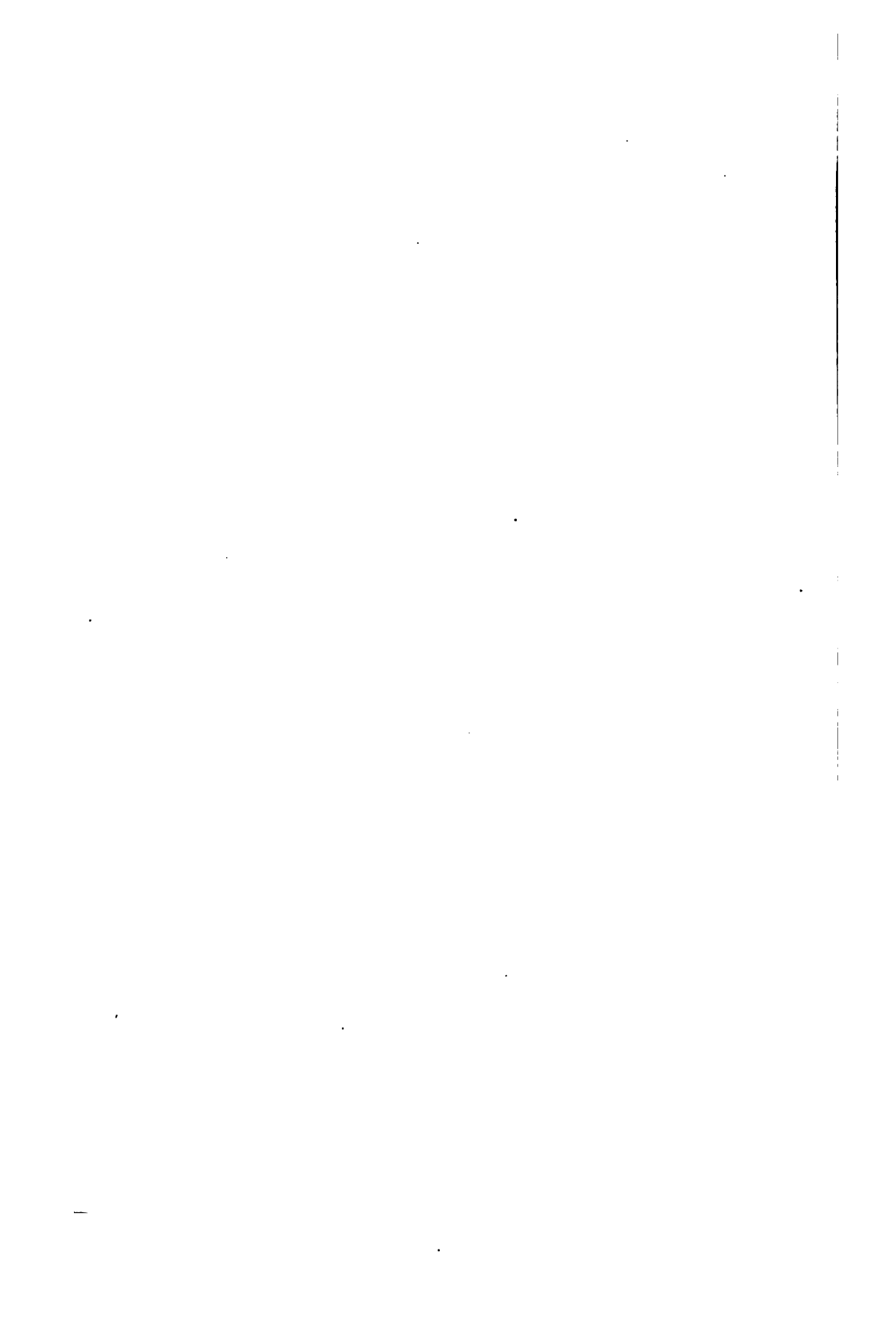
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